

## **POLICY AGAINST SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE**

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## **1. PREAMBLE**

Indo Thai Securities Limited (hereinafter referred to as 'Company' or 'ITSL') is committed to creating a safe and healthy work environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all its employees have the human right to be treated with dignity. Sexual Harassment at the work place or in the course of official duties, if involving employees of the Company shall be considered a grave offence, and is therefore punishable under the applicable laws.

The objective of this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

All concerned should take cognizance of the fact that the company strongly opposes Sexual harassment, and that such behavior against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder being the Sexual Harassment of Women at Workplace (hereinafter referred to as "Act") as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

At the ITSL, we have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.

We at ITSL are committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment. The company will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

## **2. SCOPE**

This policy shall be applicable to all employees of the company, its subsidiaries, Registered office, Corporate office, Branch office situated anywhere in the country. It includes all categories of employees of the Company, including permanent management and workmen, temporary appointees, trainees and employees on contract at its workplace or at client sites.

It shall also include any unwelcome behavior of a sexual nature mentioned in the policy by any other employees, customers, consultants, visitors, vendors, contractors or other non-employees during the course of a business relationship, to any of our employees.

## **3. DEFINITIONS**

- **“Aggrieved Women”** means-

- (i) in relation to a 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;

- (ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

- **“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 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-

- (i) In relation to any department, organization, undertaking,. Establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head

of that department, organization, undertaking, establishment. Enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation.- For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organization:

(iii) in relation to workplace covered under sub-clauses (1) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

- **“Internal Committee”** means-

An Internal Complaints Committee constituted under the section 4 of the act.

- **“Respondent”** means-

a person against whom the aggrieved woman has made a complaint under the act.

- **“Sexual Harassment”** means-

"Sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) 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:

- i) Implied or explicit promise of preferential treatment in her employment; or
  - ii) Implied or explicit threat of detrimental treatment in her employment; or
  - iii) Implied or explicit threat about her present or future employment status; or
  - iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - v) Humiliating treatment likely to affect her health or safety.
- **“Workplace”** includes:
    1. premises, departments, organizations, locations, establishments, undertakings, enterprise, institutions, offices, units, branches established, owned, controlled by the company.
    2. any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey .

#### **4. INTERNAL COMPLAINTS COMMITTEE**

Every complaint received shall be forwarded to internal complaint committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

Internal Complaints Committee has been constituted of the following members as nominated by the Company:

- (a) A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
- (b) Not less than 2 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 shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The Name of the Members of the Internal Complaints Committee is as per **Annexure A** of this Policy and any change in such composition shall be effected in the policy.

Atleast half the total members of the Committee have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

## **5. COMPLAINT REDRESSAL MECHANISM**

(a) The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to ICC in writing and be sent either by post or given in person to the ICC of the establishment or any officer authorized by ICC in writing.

(b) The ICC may, for the reasons to be recorded in writing, extend the time-limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period. Where the woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint under this section.

Where the aggrieved woman is unable to make a complaint on account of her physical/ mental incapacity, a complaint may be filed by:-

1. her relative or friend; or
2. her co-worker; or
3. an officer or the National Commission for Women or State Women's Commission; or

4. any person who has knowledge of the incident, with the written consent of the aggrieved woman;
5. a special educator; or
6. a qualified psychiatrist or psychologist; or
7. the guardian or authority under whose care she is receiving treatment or care; or
8. any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.

**Note:-**

- (i) Where the aggrieved woman 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 her written consent.
- (ii) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- (c) The Committee shall immediately proceed with the Inquiry and communicate the same to the Complainant and person against whom complaint is made. The venue of the Inquiry shall take into consideration the convenience and security of the complainant. The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the Committee.
- (d) 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.
- (e) 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 giving 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.

- (f) If the Complainant desires to tender any documents by way of evidence before the Committee, she/he shall supply original copies of such documents. Similarly, if the person against whom the complaint is made desires to tender any documents in evidence before the Committee, he/she shall supply original / true copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be true copies of the original. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.
- (g) The Committee shall provide every reasonable opportunity to the Complainant and the defendant for putting forward and defending their respective case. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender insensitive. Any behavior, verbal or otherwise, on the part of the defendant or his nominee, that is designed to intimidate or subject the complainant or her witness to mental and physical trauma, shall entitle the Committee to recommend disciplinary action against the defendant.
- (h) The Committee shall complete the 'Inquiry' within reasonable period but in no case beyond three months from the date of its commencement and communicate its findings and its recommendations for action to the Competent Authority of the Company. In the event of any delay in submission of the Inquiry Report, the reasons for the same shall be recorded in writing by the Committee. The Report of the Committee shall be treated as an Inquiry Report on the basis of which a delinquent employee shall be awarded appropriate punishment by the Competent Authority of the Company. The Competent authority will act on the report of the Committee in accordance with the Company Rules.
- (i) 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. Minimum three members of ICC, including the Presiding Officer, shall be present at the time of conducting the inquiry.



## **6. PUNISHMENT FOR FALSE AND 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.

## **7. 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
- Reprimand or censure
- Withholding of promotion
- Withholding of pay rise or increments
- Terminating the respondent from service
- undergoing a counseling session
- conducting a community service

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

## **8. 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.

## **9. POWERS OF INTERNAL COMPLAINT COMMITTEE**

For the purpose of making an enquiry under-section (1), the Internal Complaint Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

## **10. ANNEXURE – A**

<i>Sr. No.</i>	<i>Name</i>	<i>Designation</i>	<i>Membership</i>
1.	Miss Ruchi Pathak	Employee	Presiding Officer
2.	Mr. Manglesh Ostwal	Employee	Member
3.	Mr. Rajendra Bhargal	Social Worker	Member

***Note:** The above Policy was approved and adopted in the meeting of the Board of Directors held on 25<sup>th</sup> July, 2015.*

**//The End//**