

Prevention of Sexual Harassment of Women at Workplace (POSH)



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Scope	Univastu India Ltd (All Group Companies)
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Introduction & Purpose

This policy is in agreement with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013”. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. In case of any conflict between the policy and the law, the law will prevail.

The purpose of this policy is to prevent sexual harassment against women in the workplace and also to protect them. Every company aims to provide a safe working environment for all people. Employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders.

Scope

This policy applies to all employees at workplace - regular, temporary, ad hoc employee, trainees, daily wage basis either directly or through an agent including contractor, or client sites, working voluntarily or on honorary post, probationer and called by any other such name.

This policy is also applicable to all visitors, Contractors, employees or anyone who arrive at the company's premises or work place which includes all offices and areas undertaken and conducted company's business.

This also includes any place visited by an employee during employment with provided by company transportation for official conveyance.

Definition

Any behavior which may be physical, psychological, graphical, emotional, verbal, written, electronic, gestures which are offending, etc. is defined as inappropriate by the policy. Any act of the person either intentional or not, should not offend the dignity of the other person. Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

- 1) Physical contact and advances
- 2) Demand or request for sexual favors
- 3) Making sexually colored remarks
- 4) Showing pornography
- 5) Any other unwelcome physical, verbal or non-verbal conduct or gesture by an employee or associate having sexual nature
- 6) Something in return or an exchange of one thing for another called as Quid Pro Quo. At a work place Quid Pro Quo takes place if sexual favors are asked in exchange for any kind of special treatment, promotions, salary increments or employment security on the job.
- 7) Any act or conduct by a person who is in authority, which creates the environment at workplace hostile or intimidating to a person belonging to the other sex. An intimidating work atmosphere rises when any employee or an authority makes a work atmosphere through verbal or physical behavior that affects with another co-worker’s performance or creates the workplace environment intimidating, hostile, unpleasant or demeaning and experienced as an attack on personal dignity.

Roles & Responsibilities

All employees of the Company have an individual responsibility to make sure that their behaviour should not be contrary to this policy. All employees are encouraged to emphasize the importance of maintaining a sexual harassment-free workplace.

Complaint Redressal Mechanism

Company will follow a formal redressal mechanism in compliance of the act as described in this Policy. A victim can make a complaint of sexual harassment at workplace in written form to the Internal Committee within a period of 3 months from the date of incident or the date of last incident in case of series of the incidents occurs. The committee can also extend the timeline to additional 3 months if it is satisfied with the reasons which stopped the lodging of a complaint within the first 3 months.

✓ Internal Complaint Committee (ICC)

The company has introduced an Internal Complaint Committee to prevent instances of sexual harassment and to ensure time bound redressal to such complaints made by the victim. All companies having 10 or more employees, either male or female must have ICC and all the complaints regarding sexual harassment are dealt with the committee. The ICC should comprise of 4 members among them half of the members will necessarily have to be women.

This committee will be responsible for:

- 1) Receiving complaints of sexual harassment and conduct inquiry as per established policy.
- 2) Submit conclusions and references of inquiries with keeping with strict confidentiality throughout the process.
- 3) Submitting annual reports in the prescribed format

There is no need to form a committee where less than 10 persons are working. In such case all the complaints go to the local complaints committee which is set up by district officers in every district as per the Act.

✓ Committee Members

ICC will involve the following:

Role	Name	Designation
Presiding Officer	A Woman employed at a senior level at workplace	Ms. Suchitra D'souza
Member	An Employee	Mr. Pravin Patil
Member	An Employee	Mr. Prashant Akashe
Member	An Employee	Ms. Sakshi Tiwari
External Member	A person from NGO/Social Worker/ a person having knowledge of POSH or from legal background. e.g.an Advocate	Adv. Prita Jejurikar

✓ Lodging Complaint

The complaint shall be in any form whether through verbal or written but every oral communication should be followed up with the written communication and in any case where a complaint cannot be made in writing then the presiding officer or any member of the committee shall assist the person for making the complaint in writing. The said complaint should contains name, age and address of the Complainant and Respondent, circumstances which caused to rise the complaint, supporting documents, the dates of the alleged occurrences, and names of witnesses, if any.

The complainant can be sent through an email to POSH@univastu.com or the complaint can be physically submitted to an ICC. *No unidentified complaints will be entertained;*

If the Aggrieved Woman is unable to make a complaint on account of her physical or mental incapacity and for any other reason or if a victim is diseased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir within 3 months of the indecent.

✓ Guidelines for Receiving a Complaint

Unlike other kind of dispute, complaints against sexual harassment may be embarrassed and distressed. Such complaints have to be received tactfully and discretely.

The receiver of the complaint has to be polite and convincing to assure an aggrieved woman that her concerns would be taken seriously in the company and it will be reported to the right committee with the speedy follow ups.

While listening to the person, written notes to be taken in the own words of the complainant and the clear description of the indecent in simple terms to be prepared which has to be confirmed with the complainant. Situations should not be pre-judged. All notes have to be kept strict confidential.

The complainant is counseled that although the process is confidential, the respondent needs to be informed along with any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

Care to be taken to ensure that neither the complainant nor the respondent suffers any disadvantage or victimization. An internal Committee may dismiss the complaint, if the complainant is failed to prove that the act does occur at the level of sexual harassment.

✓ Resolution procedure through conciliation

On the receipt of request made by an aggrieved woman against her complaint, the committee may take initiative to make conciliation between the complainant and the respondent by keeping records and the reports to the employer for taking further action. Settlement can be done between the complainant and respondent on the basis of non-monetary compensations. In case of settlement, resolution through conciliation will be taken place within 2 weeks of the receipt of complaint. Where a settlement is has taken place, no further inquiry is to be conducted by the committee.

✓ Resolution procedure through formal inquiry

If the aggrieved party refuses to settle, the ICC will investigate the complaint, and both parties will have an opportunity to be heard. The Committee must complete its investigations within 90 days, and give the Inquiry Report and its findings to the Complainant and Respondent, as well as the Employer, within 10 days.

Procedure of the inquiry:

- a. The meeting of the committee members with the complainant must take place within 7 days where all the ICC members shall hear the Complainant and record her allegations.
- b. Upon receipt of the complaint, the committee will send 1 copy of the complaint to respondent within seven working days of receiving the complaint. Respondent has to reply within 10 working days of receiving the copy of the complaint with all supporting documents. Subsequently, the respondent may be called for a confession before the Committee and an opportunity will be given to him to give an explanation, after which an inquiry shall be conducted and concluded.
- c. The copy of the written explanation has to be provided to the complainant.
- d. If the complainant or respondent want to call any witnesses, they must notify the Committee in writing of the names of the witnesses they wish to call. All witnesses mentioned by both parties shall be called by the Committee.
- e. The committee has to provide every equitable opportunity to the complainant and the respondent for putting forward and defending their respective case. If either party wishes to present papers as evidence before the Committee, they must be provided as original copies of the documents to certify that the documents are original copies and signatures should be added to them.
- f. At any point during the investigation process, no legal practitioner shall be allowed to represent any side/party.
- g. The employer will give all necessary help to ensure that this policy is fully implemented, effectively, and quickly in accordance with the principles of natural justice.
- h. If sexual harassment is the consequence of a third-party or outsider's conduct or omission, the company must take all reasonable means to support and protect the victim.
- i. If the complaint does not fall under the purview of Sexual Harassment or does not constitute an offence of Sexual Harassment, it will be dismissed after the grounds are recorded.

✓ Action during pendency of Inquiry

During the period of enquiry, based on a request from the aggrieved person, the IC may recommend the Company to,

- a. Transfer the aggrieved person or the respondent to other location/work place.
- b. Grant leave to an aggrieved person up to a period of 3 months.
- c. Restraint the respondent from reporting on the work performance of the aggrieved person or writing her/his confidential report and assign the same to other officer.
- d. Grant any other relief as found suitable by ICC

✓ Action on closure of Inquiry

ICC may take decision to not to take an action in this case if the allegations made by an aggrieved person against respondent fail to prove.

In case if the ICC comes to the conclusion that the respondent proved guilty against the said charges then it shall recommend to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable disciplinary actions, service rules and policies which may include but not be limited to the following:

- a. Counseling with a letter of warning which will be placed in personal file as record in the company
- b. Immediate transfer /suspension with or without pay
- c. Apology to be tendered by respondent
- d. Written warning/reprimand: withholding of promotion, pay rise or increments of the respondent
- e. Dismissal/termination from the services of the Company where the respondent shall not be paid any compensation for the notice period.
- f. If the Commission considers that the respondent has to provide compensation to the female member / complainant or her legal heirs, it may deduct such compensation from the respondent's salary / wages or direct the respondent to pay the amount.
- g. If the employer is unable to make such deductions from the Respondent's wage because he or she is absent from work and found guilty of the accusations, the ICC shall submit the order for recovery of the money as an arrear of land revenue to the competent District Officer.

If the committee determines that the claim against the respondent has not been proven, it advises the employer that no further action is necessary in this case. Furthermore, the committee guarantees that all parties are aware that the subject has been thoroughly investigated, that it is now closed, and that neither will suffer any adverse consequences within the Company.

The company must act on the suggestions within 60 days and notify the committee of its decision. Following up with the complaint after the actions are taken should be done to ensure that the behaviour has ended, that the remedy is working effectively, and that neither party is being victimized.

Confidentiality

The Company realizes how difficult it is for a victim to come forward with a sexual harassment complaint and respects the victim's desire to keep the matter private. To the degree possible under the circumstances, the inquiry into a complaint will be done in such a way as to ensure confidentiality.

The identity of the complainant, respondent, witnesses, statements and other evidence acquired throughout the inquiry process, committee recommendations, and employer action are all deemed confidential materials that are not published or made public.

Any person who violates the secrecy terms is subject to the act's disciplinary measures.

Awareness

The training of this policy "The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013" guarantees that sexual harassment is prevented, prohibited, and protected in the workplace. Hence the awareness training delivered on time saves the organization from legal entanglements. Overall, the company and the employer are free of legal blunders that could cost them a lot of money in the event of a legal liability. The Company shall:

- a. Display the policy document and a notice with the names of the Internal Complaints Committee (ICC) members in a prominent place at each of its locations.
- b. Organize workshops and awareness initiatives on a regular basis to educate employees about the concerns and consequences of workplace sexual harassment.
- c. Organize and conduct orientation sessions and seminars for IC members.

False Accusation

Any sexual harassment complaint filed by an employee will be treated with the highest seriousness by the Company. False accusations, on the other hand, will not be tolerated.

If the ICC determines that the allegation was made with malice, or that the aggrieved person or any other person making the complaint on their behalf produced false, forged, or misleading documents to prove the case, the ICC may recommend that the person who made the complaint be disciplined, including termination of service.

Before any action is advised, malevolent intent must be established after an investigation.

The failure to establish a complaint or provide enough proof will not result in action under this section.

A similar recommendation for punishment would be made against any witness found to have provided false testimony or presented fake or misleading documents by the ICC.

Legal Compliance

Each calendar year, the IC must compile an annual report in the manner required by the employer and submit it to the District Officer (as defined in the Act).

The Annual Compliance Reports shall have the following details:

- a. The number of complaints received of sexual harassment in a year
- b. The number of complaints of sexual harassments disposed of during the year
- c. The number of cases pending for more than 90 days
- d. The number of workshops or awareness programs felicitated in a year
- e. The nature of action taken by an employer or District Officer

Conclusion

The Company reaffirms its commitment to ensuring a harassment-free and discrimination-free workplace where every employee is treated with dignity and respect.

Authority: “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”

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