

Policy for Prevention, Prohibition and Redressal for Sexual Harassment at Workplace

INTRODUCTION

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Board of Directors of Silver Realties and Infrastructure Private Limited (**SRIPL/Company**) have unanimously adopted the policy for Prevention of Sexual Harassment at the Workplace w.e.f. 06th Nov, 2014.

Vide notification dated 09th December, 2013. Ministry of Women and Child Development have introduced Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Rules, 2013. This policy incorporates the rules and procedures as mandated in the said notification and shall be effective from 06th Nov, 2014.

The aforementioned laws only cover the sexual harassment against women. However, SRIPL aims at treating every employee, irrespective of the gender, with dignity and respect. SRIPL intends to promote work environment that is conducive to the professional growth of its employees. Hence SRIPL adopts and implements the prohibition, prevention and redressal for sexual harassment at workplace policy giving equal treatment to both women and male employee as an ideal employer.

I. OBJECTIVE

Under the corporate umbrella, harassment of any kind including sexual harassment affecting the dignity of men and women at work is forbidden. Every employee has the right to be protected against harassment, regardless of whether accused considers his or her own behaviour to be normal or acceptable and or whether the harassed person has the opportunity to avoid the harassment.

SRIPL is committed to creating and maintaining a secure work environment where it's Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company's business.

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

At SRIPL, 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 person of both genders complement each other as equal in an environment that encourages maximum productivity and to keep the personal dignity.

We at SRIPL are committed towards giving every employee just and fair hearing on issue 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.

II. SCOPE

This policy shall be applicable to all employees of SRIPL. It includes all categories of employees of the Company including permanent management and workmen, temporary appointees, trainees and employees on contract at its workplace.

III. DEFINITIONS

1. **“Aggrieved Person”** means a person in relation to a workplace of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
2. **“SRIPL /Company”** means Silver Realities and Infrastructure Private Limited.
3. **“Employee”** means a person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wages 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 matter.
4. **“Employer”** means any person responsible for the management, supervision and control of the workplace and includes the person discharging contractual obligations with respect to his or her employees.
5. **“Internal Complaints Committee”** means a committee constituted by Company as per this policy.
6. **“Respondent”** means a person against whom the aggrieved person has made a complaint.
7. **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
 - a. Physical contact and advances; or
 - b. A demand or request for sexual favours; or
 - c. Making sexually coloured remarks; or
 - d. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
 - e. Any other unwelcome physical, verbal or no-verbal conduct of sexual nature; or

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- a. implied or explicit promise of preferential treatment in their employment;
- b. implied or explicit threat of detrimental treatment in their employment;
- c. implied or explicit threat about their present or future employment status;
- d. interfering with their work or creating and intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
- e. humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of female employee, will be considered as sexual harassment.

8. **“Workplace”** includes:

- a. All offices or other premises where the Company’s business is conducted.
- b. All Company related activities performed at any other site away from the Company’s premises including transportation provided by the employer for understanding such a journey.
- c. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

IV. 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.

V. COMPLIANT MECHANISM

Whether or not such conduct constitutes an offence under law or breach of the services rules, an appropriate complaint mechanism in the form of **“Internal Complaints Committee”** has been created in the Company for time bound redressal of the complaint made by the aggrieved person.

VI. INTERNAL COMPLAINTS COMMITTEE (“ICC”)

Every complaint received shall be forwarded to ICC formed under the policy for redressal. The investigation shall be carried out by ICC constituted for this purpose.

ICC has been constituted of the following members as nominated by the Company:

- a. A women 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 organisations OR associations committed to the cause of women OR a person familiar with the issues relating sexual harassment.

The name of the member of the ICC 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.

A. The ICC is responsible for:

1. Investigating every formal written complaints of sexual harassment.
2. Taking appropriate remedial measures to respond to any substantiated allegation of sexual harassment.
3. Discouraging and preventing employment related sexual harassment.

B. Disqualification from being committee member:

An Employee member shall cease to hold office as a member of the ICC if she/he ceases to be an Employee of the Company or if she/he is found guilty of committing an act of Sexual Harassment or any other act of moral turpitude.

In the event of any disqualification, resignation or termination of appointment (by the Company) of any member, the Head of Human Resources shall, with respect to an outgoing Employee member, forthwith select a substitute Employee Member.

Notwithstanding the aforesaid, the Managing Director of the Company shall be entitled, at his sole discretion and at any time, to terminate the appointment (as member of the ICC) of any member and appoint a substitute thereof.

VII. COMPLAINT REDRESSAL MECHANISM

Any Aggrieved Person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period of 3 months from the date of incident and in case of series of incident, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the ICC.

1. The presiding officer or any other member of the ICC can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. On receipt of complaint, the ICC shall decide the place and time of hearing the complaint and shall intimate the date, time and place of hearing to the complainant and Respondent. The ICC shall follow principle of Natural Justice while handling such complaints.
3. (i) Where the Aggrieved Person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by:-
 - a. a relative or friend; or
 - b. a co-worker; or
 - c. an 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 person.
- (ii) Where the Aggrieved Person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by:-
 - a. a relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care they are receiving treatment or care; or
 - e. any person who has knowledge of the incident jointly with any of the above.
- (iii) Where the Aggrieved Person 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 their written consent.
- (iv) Where the Aggrieved Person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
4. ICC on receipt of such written complaint, may, if require ask the Aggrieved Person to furnish additional information about the alleged harassment.

5. The Complainant or person authorised on their behalf as per above provision, shall make a complaint to the ICC through following mode:
 - a. Copy of complaint along with supporting documents and names and address of witness shall be sent to ICC at info@silverinfra.com.
 - b. On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints the Respondent within 7 working days.
 - c. Respondent shall file reply within 10 working days of receipt of the complainant along with list of documents, name and addresses of witnesses.
 - d. ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
 - e. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
 - f. The ICC must complete its investigation within a period of 90 days.
 - g. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
 - h. For conducting the enquiry the quorum of the ICC shall be of 3 members including the presiding officer.

6. The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:
 - a. Monetary settlement will not be made as a basis of conciliation.
 - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

7. The ICC may during such investigation may exercise the power of a civil court, vested in it, in respect of:
 - a. summoning and enforcing the attendance of any person and examining him under oath;
 - b. requiring discovery and production of documents;
 - c. any other prescribed matter.

8. During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
 - a. to transfer the aggrieved person or the respondent to any other workplace;
 - b. grant leave to the aggrieved person of up to three months which is in addition to leave to which she is otherwise entitled.

Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

VIII. ACTION:

1. The ICC shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the Respondent has not been proved, the ICC may recommend that no action needs to be taken in the matter.
3. If the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to:
 - a. Take action for sexual harassment as a misconduct.
 - b. To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
 - c. To deduct from salary / wages of the Respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
4. Such action will be taken within 60 days of the receipt of report,

IX. AWARENESS:

1. All the Employees, agents, customers, vendors, partners and visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
2. A brief shall be given to all existing Employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in the Company during their initial Induction.
3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
4. Company shall display the notice showing the name of the ICC members at its every establishment at a conspicuous place.

X. FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.

2. If the ICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the Aggrieved Person produced false or forged or misleading documents to prove his/her case, the ICC may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the ICC concludes, that he/she has given false evidence or produced forged or misleading documents.
3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. FLDPL recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

XI. MISCELLANEOUS:

1. Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
3. The ICC shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
 - a. Number of complaints of sexual harassment received during the year;
 - b. Number of complaints disposed off during the year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness program against sexual harassment carried out;
 - e. Nature of action taken by the employer.

XII. CONCLUSION :

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

ANNEXURE - A
Composition of Internal Complaints Committee

Sl no.	Name	Designation	Membership
1	Ms. Sonal Gangwani	Asst. Manager - HR	Presiding Officer
2.	Ms. Noopur Pokharna	Asst. Manager – Communication and PR	Member
3.	Mr. Nilesh Gupta	Company Secretary	Member
4.	Ms. Madhvi Sharma	Deputy Manager – Customer Care	Member