

Prevention Of Sexual Harassment Policy

11.1 Version Control

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11.1.1 Purpose

The organization is committed in providing to all its employees an environment free of gender based discrimination. In furtherance of this commitment, the organization strives to provide all its employees with equal opportunity conditions of employment, free from gender-based coercion, intimidation, or exploitation and to create a work environment where everyone has an opportunity to fully participate in achieving business success and is valued for the distinctive skills, experience and perspectives s/he brings to the workplace. The organization has zero tolerance for harassment, intimidation or humiliation of any kind in its workplace and is dedicated to ensure enactment, observance and adherence of guidelines and best practices that prevent and prosecute acts of sexual harassment.

The organization believes that all individuals have the right to be treated with dignity. Sexual harassment including discrimination, retaliation or intimidation by or towards any employee in the workplace will not be condoned.

This policy applies to all allegations of sexual harassment made by an employee of the organization against another employee irrespective of whether sexual harassment is alleged to have taken place within or outside the organization premises. This policy is also applicable to all individuals who are on the organizations premises or on any other property where the organization conducts its business.

If any individual commits an act in violation of this policy, whether such individual is an employee of the organization or a third party interacting with the organization, the organization will take appropriate remedial measures suitable to the circumstances as prescribed under this policy, including measures to mitigate the potential for repetition, and to discipline any of its employees who may have participated in such conduct, or may have failed to stop such conduct when s/he had the authority to do so.

This policy is meant to sensitize the employees about their fundamental right to have safe and healthy environment at their workplace and what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the chance of an occurrence, to enable a fair mechanism for dealing with such conduct an Internal Complaint Committee (“ICC”) to be constituted and also, Regional Complaint Committee (s) (“RCC”) . Hereinafter, RCC and ICC shall collectively be referred to as the “Committee”.

11.1.2 SCOPE AND COVERAGE

This policy applies to all employees.

11.1.3 DEFINITIONS

“**Employees**” shall mean and include employees of the organization, Interns, Trainees and employees of service providers, contractors and consultants working from the organization's premises.

“**Sexual harassment**” includes any unwelcome, sexually determined behaviour, direct or indirect, physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. When any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work, such conduct can be humiliating or may constitute a health and safety problem, it will amount to sexual harassment. It may be discriminatory when a woman/man has reasonable grounds to believe that his/her objection would disadvantage her/him in connection with her/his employment, including his/her recruitment or promotion, or when it creates a hostile work environment.

Sexual harassment may interfere with an individual's performance by creating an intimidating, hostile or offensive environment, which might occur as a single incident or a series of incidents and may include, but would not be confined to the following:

1. Unwelcome sexual advances, whether by physical contact or otherwise, requests for sexual favours, and verbal or physical conduct of a sexual nature whether explicit or implicit in nature, made in return for a condition of instruction, employment, participation or evaluation of a person's engagement in any organization's activity, or otherwise in the course of employment;
 - a. Verbal, non-verbal, or physical conduct such as sexually coloured remarks or jokes, letters, phone calls or e-mail, offensive hand or body gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect his/her performance.
 - b. Unwelcome physical contact such as patting, pinching, touching or putting an arm around another person, unwanted declarations of affection, stalking or molestation or any quid pro quo behaviour such as seeking sexual favours in return for promotion or benefits in employment;
 - c. Any form of sexual assault is committed where a person uses the body or any part of it or any object as an extension of the body in relation to another person; and
 - d. Any such conduct as defined in (a) to (c) above is committed by a third party or outsider in relation to an employee of the Kanoria Foundation or vice versa on the premises of the firm.
2. Sexual harassment may be of two kinds: hostile work environment and an attitude of quid pro quo. It would include anyone or more of the following:
 - a. Hostile work environment constitutes sexual harassment directed towards an individual because of gender and has a purpose or effect of (i) creating an intimidating, hostile, or offensive work environment, or (ii) unreasonable interfering with another's work performance. Generally this includes sexually coloured or derogatory remarks, showing pornography, any conduct which is not welcomes and could be deemed as being humiliating in the circumstances.
 - b. Sexual harassment by one in a position of power or influence constitutes quid pro quo sexual harassment when (i) submission by an individual is made either an explicit or implicit term or condition of employment, or (ii) submission to or rejection of such conduct

is used as the basis for employment decisions affecting that employee such as promotions, salary raises, etc.

- c. Sexual harassment would also include anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - (i) Physical contact and advances; or
 - (ii) A demand or request for sexual favours; or
 - (ii) Making sexually coloured remarks; or
 - (iii) Showing pornography or other visual display of degrading sexual images, lurid stares, derogatory remarks, or sounds which would be intimidating and/or humiliating; or
 - (iv) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature;

11.1.4 PREVENTIVE MEASURES

- i. Each of the Committees will meet regularly. Minutes of the Meeting (“MoM”) of the same will be prepared and submitted on a quarterly basis/as decided by the Committee to the employer. The quorum for the meeting of the Committee would constitute of at least three members present in person or at least fifty percent of the total members of Committee whichever is higher.
- ii. At the end of every financial year, an annual report containing all the details like the number of complaints filed the stage of each complaint and number of complaints redressed will be prepared..
- iii. Sensitization programmes/workshops should be organized, meetings should be convened for all employees as well as special meetings should be conducted with only the women employees by the RCC and the ICC on a regular basis in order to do the following:
 - a) To sensitize employees about their right to have safe and healthy work environment
 - b) To spread awareness about same either by way of publication, advertisement or by convening meetings
 - c) To discuss with women employees on general issues involving the challenges faced by them at work place, if any and workshops on various aspects of the Act
 - d) Increase awareness amongst employees and overcome the hesitation and discomfort in discussing issues involving Sexual Harassment at work place by convening open town hall meetings so that employees can come up in open and share their views and ideas;
 - e) The Committee would also assist Complainants if required to file a complaint
- iv. Introduce a system to record names of employees who have to stay late (beyond 8 pm) in office with reasons. Security on duty need to visit the work places every half an hour post 8 pm.
- v. Maintain records of all sexual harassment cases and findings
- vi. Display penal provisions of sexual harassment

11.1.5 REPORTING OF SEXUAL HARASSMENT COMPLAINTS

Any aggrieved person who feels/presumes that s/he has been subject to sexual harassment by a person, including a supervisor, manager, employee of other organisation or vendor by way of any action or words should immediately report or complain the incident to the Regional Complaint Committee (RCC) or Internal Complaint Committee (ICC) as set forth below as the case may be or to any member of RCC/ICC within three months from the date of occurrence of the said incident and in case of a series of incidents within a period of three months from the date of the last incident. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behavior.

If a complaint cannot be made in writing, any member of the RCC or the ICC as the case may be shall render all reasonable assistance to the aggrieved person for making the complaint in writing.

11.1.6 CONFIDENTIALITY

The company will do everything consistent with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly. Information about individual complaints and their disposition is considered confidential and will be shared only on a "need to know" basis. However, the ICC and/or RCC members and/or employer shall not be held responsible under present confidentiality clause in the event the complaint is filed by a third party and/or material facts with regard to complaint are already known to other persons/individuals.

Further, once the complaint is redressed by the RCC and /or ICC, as the case may be, the employee should share the information with all employees with regard to the filing, redressal and disposal of the complaint in a fair and timely manner without disclosing name of the Complainant and Respondent.

11.1.7 ASSURANCE AGAINST RETALIATION

This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behaviour that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions.

Such disciplinary action will be proposed by the Committee as per the provisions of the Act and as per this policy/guideline and on the recommendation of the respective Committee the employer, as the case may be would ensure implementation of same.

11.1.8 CONSTITUTION OF COMMITTEE

- i. A complaint should be made to the RCC or ICC as case may be. In the event any matter is received by the RCC, the RCC shall report the matter/complaint immediately to the ICC and redress such complaint as per the present policy as guided by the ICC. Further, finding of the RCC shall be reported to the employer through respective ICCs.
- ii. A complaint can also, be made directly to the respective ICCs
- iii. The Chairperson of respective ICC and the HR Head will review the constitution of the members of ICC as well as the RCCs as and when required and make new appointments, if so required on exit of any member(s) on case to case basis. As and when the composition of the any of the Committee is revised, same will be updated in the policy which is in the domain of all employees.

- iv. Each member of the Committee will hold office for not more than three years.
- v. Each Committee is mandatorily required to involve an external member (a senior member of an NGO or other body who is familiar with the issues of sexual harassment) during the enquiry of complaint(s) and formalization of the Report in connection therewith.
- vi. The names and contact details of each ICC and RCC members should be specified by respective business entities and made available to all employee.

11.1.9 COMPLAINT MECHANISM

- i. A person who has been subject to sexual harassment may make in writing a complaint of sexual harassment at workplace to the Committee within a period of three months from the date of incidence and in case of series of incidences within a period of three months from the date of last incidence. Provided that where such complaint cannot be made in writing, the presiding Chairperson or any member of the RCC/ICC or the chairperson shall render all reasonable assistance to the Complainant for making the complaint in writing.
- ii. If the Committee is satisfied that the circumstances were such that prevented the Complainant from filling the complaint within said period they can extend the time limit not exceeding three months.
- iii. The Complainant is required to send the written complaint to the RCC/ICC either by way of six copies of the letter detailing complaint. The Complainant may also email the complaint to a Committee member.
- iv. It is pertinent to mention that the written complaint is mandatorily required to be filed by the Complainant with full name and details for seeking any action under this policy and/-or the Act. Any anonymous complaint shall not be entertained.
- v. Where the Complainant is unable to file the complaint of their own, their legal heirs or parents, spouse, children or sibling can file the complaint.
- vi. A third party can also be a Complainant however, a written complaint from the person who has been subject to sexual harassment is mandatory to be filed with the RCC or ICC as the case may be.
- vii. Both written/-emailed complaint must provide the details of the incident together with the name/s of the Respondent/s and the Complainant/s as available

11.1.10 ENQUIRY PROCEDURE

- i. A timely enquiry of complaints of sexual harassment is of utmost importance. Normally, the enquiry shall be concluded and acted upon at the earliest from the date of the complaint being made in writing.
- ii. The RCC/ICC, as the case may be will conduct an enquiry and provide an opportunity to the Complainant as well as the Respondent to represent their case and explanations/reasoning thereto.
- iii. In the event any complaint is received, the following procedure shall be followed by the RCC-/- ICC:

a) An enquiry is initiated through the members of RCC or ICC, as the case may be as advised by the Chairperson at the earliest after receiving the complaint in writing / email.

- b) The enquiry seeking detailed information/explanation/reasoning will be conducted with the Complainant as well as Respondent independently by the RCC/ICC.
- c) The enquiry proceedings convened by RCC/ICC should always be recorded as minutes and video recorded and same to be saved and maintained for records by the ICC/RCC as the case may be. The proceedings of the enquiry (while the witness makes his/ her submission) should be recorded on camera.
- d) On submission of report the RCC/ICC shall consider the report at the earliest and, on being satisfied for the need, may order full enquiry into the complaint.
- e) It is important to mention herein that the RCC/ICC on receipt of any complaint from the Complainant should upfront seek his/her expectation from the RCC/ICC with regard to complaint and the RCC/- ICC should also brief the Complainant about the option of conciliation available to him/her with the Respondent, if so desired by the Complainant. However, once the enquiry is initiated the option of conciliation cease to exist.
- f) The RCC/ICC will study the findings and shall then proceed to deal with the complaint in accordance with the policy and the Act and redress the complaint within ninety (90) days from the date of receipt of the complaint and accordingly submit its detailed finding and advise in connection with the complaint to the employer, as the case may be.
- g) However, the RCC/- ICC may close the enquiry and/or is not required to initiate same in the event the Complainant fails to appear before the RCC/ICC and/or fails to revert to the query(s) raised by the RCC/ICC for three consecutive events. The RCC/ICC shall record the reasons for closure of the complaint accordingly. Further, in the event the Respondent deliberately avoids his / her appearance before the RCC/ICC, the employer or any person so appointed by the employer should direct/instruct the Respondent to appear before the RCC/ICC.
- h) Thereafter, the RCC/ICC will present the decision including handover of all the collected material i.e. the duly signed statement of the Complainant, Respondent, witnesses, involved parties and material objects if any along with recommendation to the HR Head of business.
- i) In the event that there are no eyewitnesses, the RCC/ICC may have to resolve a sexual harassment claim based on the credibility of the parties. Circumstantial evidence also would play important role during the decision making process by the Committee.
- j) The employer may seek clarification from the RCC/ICC on the recommendation and will implement the same.
- k) The final decision shall be communicated to the Complainant and the Respondent.
- l) An enquiry in connection with any complaint may be initiated /continued irrespective of the fact that police proceeding has also been initiated in connection with the said complaint.

11.1.11 PROCEDURE OF SUBMISSION

The enquiry Committee/Member/s of the Committee should be prepared to deal with the Complainant's embarrassment and anger by patiently, but firmly, explaining the detail and documentation that are needed for an accurate enquiry.

- i. The Complainant should be interviewed first, to ensure that all important details and witnesses are identified promptly and if any material object is provided the same should be received, numbered and preserved.

- ii. It is important for the RCC/ICC to be objective and non-judgmental and allow the Respondent to respond to each allegation. The RCC/ICC should inform the Respondent of the type of disciplinary action that may be taken if the complaints are found to be true.
- iii. Both parties should be told to avoid contact with one another, and ways to minimize contact should be implemented.
- iv. In the event the Complainant has filed a complaint against his/her reporting manager or any person placed high on hierarchy then during the course of enquiry the Complainant may:
 - a) Either seek a transfer;
OR
 - b) Take leave from employment for a maximum period of 3 months.
- v. The Complainant should report any further incidents of harassment or retaliation during the continuance of enquiry.
- vi. Witnesses should be told as little as possible about the details of the complaint in order to maintain confidentiality under the policy.

11.1.12 CRIMINAL PROCEEDINGS

- i. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the respective employer (as the case may be) based on the findings and advice of the RCC/ICC may initiate appropriate action in accordance with law by making a complaint with the appropriate authorities.
- ii. The RCC/ICC would provide assistance to the aggrieved if they chose to file complaint under the Indian Penal Code.

The RCC/ICC would ensure that Complainants or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

11.1.13 MALA FIDE COMPLAINTS

- i. If the enquiry reveals that the complaint is unjustified or Complainant had raised the concern with ulterior motives, employer or any person duly authorized by the employer will counsel the Complainant and recommend suitable action to prevent recurrence. Disciplinary and / or legal action may also be taken against the complainant.
- ii. However, the employer or any person duly authorized by the employer will ensure that the Complainant is not victimized.

11.1.14 PROFESSIONAL CONSEQUENCES OF VIOLATION OF THE POLICY

- i. Any employee, supervisor or manager who is found to have violated the harassment policy (whether sexually harassing another employee of opposite sex or the same sex or if any person falsely accuses another person of sexual harassment) shall be subject to appropriate disciplinary action.
- ii. In the event any criminal proceedings are initiated the matter may be referred to Group Head - Legal or such other person as may be authorized by the employer.
- iii. The organisation shall not tolerate any form of retaliation against employees for bringing bona fide complaints or providing information about harassment.

- iv. However, as per the findings of the enquiry of a complaint it is found out that the complaint was false or was made with a mala fide intent, the Complainant may be subject to disciplinary actions, up to and including termination.

Moreover, when investigation is on-going or necessary action has been initiated against the person(s), if the complainant acts in a manner which damages the reputation of the company/group/persons, the company will take criminal action and also claim financial compensation from the complainant. This is to prevent mala fide, malicious and frivolous complaints.

- v. If any act of sexual harassment occurs as a result of an act or omission by any third party or outsider, the respective employer will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11.1.15 PROTECTION AGAINST VICTIMISATION

- i. During the pendency of the Complaint, the organization shall, in the event the Accused is the Complainant's Supervisor/ Superior, review the possibility of relocating the employee (Complainant/ Accused) within the organization and ensure that the Complainant is not subject to appraisal by the Accused.
- ii. The organization shall ensure that any sort of retaliatory action against the Complainant or Witnesses is not taken in any manner. 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 consultation with the Committee.
- iii. Where the Accused is an outsider, during the pendency of the Investigation of the Complaint and even thereafter, if he/ she are found guilty, the Accused shall not be allowed to enter the organization premises except for the purpose of attending the Committee proceedings.
- iv. In the event of the Accused and the Complainant both being employees of the organization, then during the pendency of the investigation of the Complaint and thereafter, if the Accused is found guilty, the Accused shall not write the appraisal reports of the Complainant, if he/ she is otherwise so authorized.
- v. In the event, the Committee during the enquiry of a Complaint concludes that the Complaint was false and made with malafide intention by the Complainant, the Committee shall submit Enquiry Report and recommend such appropriate measures, in consultation with the CHRO and the management against the Complainant, as it may deem necessary.

EXCEPTIONS

There will be no exceptions to this policy.

List of ICC & RCC Members

Internal Complaint Committee -Chair Members (ICC)				
Sr.No.	Name	Location	Email id	Contact Number
1	Jyothi Sanyal(Presiding Officer)	Kolkata	jyothi.sanyal@shristicorp.com	+91 8100198686
2	Manoj Agarwal	Kolkata	Manoj.agarwal@shristicorp.com	+91 9830009245
3	Gautam Mallik	Kolkata	gautam.mallik@shristicorp.com	+91 9836425511
4	Paramjit Jonah	Kolkata	paramjit.jonah@shristicorp.com	+91 9830036949
5	Ms. Paromita Chakravarti (External Committee Member)	Kolkata	Chakravarti6@gmail.com	+91 9830944361

Regional Complaint Committee Members (RCC)				
Sr.No.	Name	Location	Email id	Contact Number
1	Pooja Saha (Presiding Officer)	Kolkata	pooja.saha@shristicorp.com	+91 9007039320
2	Ashish Jha	Kolkata	ashish.jha@shristicorp.com	+91 9836147678
3	Chandrani Chatterjee	Kolkata	chandrani.chatterjee@shristicorp.com	+91 9836184949
4	Richard Valladares	Delhi	richard.valladares@shristicorp.com	+91 9820329662