



## **Prevention of Sexual Harassment Policy**

### **Policy Statement**

Physique 57 India, a boutique fitness company, is committed to providing a safe and respectful workplace for all employees and is dedicated to adhering to the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. This policy outlines the company's stance on preventing and addressing sexual harassment at the workplace and is applicable to all employees, contractors, vendors, and any other individuals associated with the organization.

### **Definition of Sexual Harassment**

Sexual harassment, as defined by the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- Form of Sexual Harassment:
  - Verbal – Unwelcome Compliments of Sexual Nature, offensive jokes of sexual nature
  - Non-Verbal- Displaying sexually suggestive pictures, calendars or posters, staring, leering, lewd gestures.
  - Physical – Sexual advances such as touching, patting, pinching, impeding or blocking, movement or physical interference with normal work or movement
  - Quid pro Quo – “This for That” Direct or indirect promise of preferential treatment in employment Implied or expressed threat about her present or future employment status. Hostile work environment Creating a hostile, intimidating, or an offensive work environment Humiliating treatment likely to affect her health or safety.

### **Prevention of Sexual Harassment**

- No employee shall be subjected to sexual harassment at any workplace. The following circumstances, among other circumstances, if it occurs, or is present about or connected with any act or behaviour of sexual harassment may amount to sexual harassment:
- Implied or explicit promise of preferential treatment in his or her employment; or
- Implied or explicit threat of detrimental treatment in his or her employment; or
- Implied or explicit threat about his or her present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment for him or her; or Humiliating treatment likely to affect an employee's health or safety.

### **Policy statement**

- All employees will maintain high standards of dignity, respect and positive regard for one another.
- All employees will understand and appreciate the rights of the individual to be treated with dignity.
- All employees are required to maintain a work environment, which is free from any kind of harassment.
- Employees will refrain from committing any acts of sexual harassment at the workplace.
- Allegations of sexual harassment will be dealt with sensitivity and confidentiality.

- All employees will be granted a fair hearing and given support by HR against victimization, and retaliation for filing or reporting a complaint of sexual harassment and will also be granted a fair hearing and given support from false accusations

#### **Roles & Responsibilities**

- Responsibilities of Individual: It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
  - Refusing to participate in any activity which constitutes harassment
  - Supporting the person to reject unwelcomed behaviour.
  - Being a witness of the incident takes place in his or her presence incident, and report the details of the incident if the person being harassed decides to lodge a complaint. Often, some behaviours are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.
- Responsibilities of Managers
  - All managers must ensure that nobody, irrespective of the designation or gender, is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.
- Responsibilities of the Employer
  - To provide a safe working environment at the workplace which shall include safety from the person coming into contact at the workplace.
  - To display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting the Internal Committee
  - To organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed.
  - To provide necessary facilities to the Internal Committee, as the case may be; for dealing with the complaint and conducting an inquiry. To assist in securing the attendance of the respondent and witness before the Internal committee
  - To provide assistance to the woman if she chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
  - Where sexual harassment takes place as a result of an act or omission by any third party or outsider, the employer and the person in charge must take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.
  - Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
  - Treat sexual harassment as a misconduct under the service rules and initiate action against such misconduct.
  - Monitor the submission of timely submission of the reports by the Internal Committee.

#### **Procedure for dealing with complaints of sexual harassment**

- If the person believes that he or she has been subjected to sexual harassment, then the complaint/ grievance should be promptly reported to the HR or the Unit/ Location/ Department Head.
- Ideally, the complaint should be lodged immediately or within a reasonable period of 15 days from the date of the incident.
- All complaints/grievances of sexual harassment will be taken seriously, will be held in strict confidence and will be investigated promptly in an impartial manner. There may be a need to nominate a senior person to head the investigation.

- The head of the committee shall, within 7 working days of the receipt of such a complaint, personally meet or designate a member of the ICC to meet the employee who has made the complaint and record the statements made at such meeting. During this meeting, the employee is also expected to present any corroborative material/evidence to substantiate the complaint.
- After the meeting with the complainant, and on the satisfaction of the existence of a prima facie case of Sexual Harassment, the ICC Head shall call for a committee meeting within the next 7 working days.
- During this meeting of the ICC, the person accused of the harassment will be called. The ICC will communicate the complaint to the person accused and he/she will be given an opportunity to give his/her views of the situation.
- After having heard both the parties, the ICC shall thoroughly investigate (meet the complainant, enquire into the evidence provided, meet the witnesses, consult with experts etc.) the complaint and make a report of its findings within the next two weeks. This report will be submitted to the Management Team.
- In case the complaint of sexual harassment is proven to be true, the accused person will be subject to strict disciplinary action, up to and including termination of employment, and reporting to the local authorities.
- In case the complaint registered is found to be frivolous or false or was made with a mischievous intention, the complainant will be liable to face strict disciplinary action up to and including termination of employment.
- Any employee who is a part of the investigations shall not be victimised or subject to any unfavourable treatment.
- The victims of sexual harassment will have the option to seek his/her own transfer.
- Nothing in these guidelines should be taken in any way as a limitation on the powers of the Management Team to decide what disciplinary action(s) is appropriate under given circumstances.
- Any victimization of, or retaliation against, the complainant or any employee who gives evidence regarding sexual harassment or bullying will be subject to disciplinary action up to and including termination of employment.
- If the victim of sexual harassment feels unsatisfied with the outcome of his/her complaint by the Complaints Committee, he/she may appeal to the Management Team. The decision of the Management Team will be final and binding on all parties concerned.

#### **Criminal Procedure**

- Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, Physique 57 shall support the victim in initiating appropriate action in accordance with the law

#### **Constitution of Internal Complaint Committee and Local Complaint Committee:**

- Under Section 4 of the Act at all workplaces with **10 or more employees**, the employer must form an Internal Complaints Committee (ICC). This is an obligation that must be adhered to by public and private organizations.
- The internal committee shall consist of the following members to be nominated by the employer of a workplace and shall, by an order in writing, constitute a committee to be known as Internal Complaint Committee. Provided that where the offices or administrative units of the workplaces are located at different places or divisional or sub-divisional levels.
- The Internal Committee shall be constituted at all administrative units or offices.
- Presiding officer :
  - This post of Presiding Officer must be held by a senior-level female employee at the workplace as she will also preside as the Chairperson of the Internal Complaints Committee.

- In case of unavailability of a senior female employee, then the Act mandates that: A senior female employee can be nominated from other offices or administrative units of a workplace.
- If a senior-level woman employee is not available at the other offices or administrative units of the workplace too, then the Presiding Officer can be nominated from any other workplace of the same employer.
- If the above is not possible then the Presiding Officer can be nominated from any other workplace.
- Employee Members
  - The Internal Complaints Committee policy further specifies that the Internal Complaints Committee must also have two or more members from among its employees.
  - The prerequisite for the selection of employees as members demands some legal knowledge or experience in the social sector or commitment to the women's cause.
  - These are desirable but not mandatory as finding such employees may not always be easy.
- External Member
  - The Act also specifies that the Sexual Harassment Committee must include an external member from a non-governmental organization or association that is committed to the cause of women.
  - The person thus nominated must be familiar with issues relating to sexual harassment.
- Tenure of the Members of the Committee
  - Section 4(3) of the Act specifies the tenure of the members of the Internal Complaints Committee in the workplace. It specifies that the members along with the presiding officer, shall not occupy the office for more than three years from the date of nomination.

#### **Contact Information:**

In case of sexual harassment, don't hesitate to get in touch with the designated ICC members of the Internal Complaints Committee (ICC) on email:

1. Mitali Kumar-Presiding officer (mitali@physique57india.com)
2. Anisha Shah (anisha@physique57india.com)
3. Jimmeey G (jimmeey@physique57india.com)
4. External NGO Member