

Prevention of sexual harassment policy

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APPLICABILITY	All employees of Infiniti Research or someone that employee deals with in the course of his/her work who is not employed by the Company
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AUTHOR	CORPORATE SUPPORT GROUP

Introduction

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). 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.

Definitions

1. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

“**Sexual Harassment**” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- i. Physical contact and advances;
- ii. Demand or request for sexual favors;
- iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- vi. Giving gifts or leaving objects that are sexually suggestive;
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- viii. Persistent watching, following, contacting of a person; and
- ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b) The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or

- Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

2. **Aggrieved woman:** 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 and includes contractual, temporary, visitors.

3. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman

4. **Employee:** A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

5. **Workplace:** In addition, to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Infiniti Research, including transportation provided for undertaking such a journey.

6. **Employer:** A person responsible for management, supervision and control of the workplace

Roles & Responsibilities

1. **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: a. Refusing to participate in any activity which constitutes harassment b. Supporting the person to reject unwelcome behavior c. Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors 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 behavior.

2. **Responsibilities of Managers:** All managers at Infiniti Research must ensure that nobody 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.

Complaint mechanism

An aggrieved woman who intends to file a complaint is required to submit six copies of the written complaint, along with supporting documents and names and addresses of the witnesses to the IC, within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. In instances where sufficient cause is demonstrated by the

complainant for the delay in filing the complaint, the IC may extend the timeline for filing the complaint, for reasons to be recorded in-writing. The Act also makes provisions for friends, relatives, co-workers, psychologist & psychiatrists, etc. to file the complaint in situations where the aggrieved woman is unable to make the complaint on account of physical incapacity, mental incapacity or death. Also, a mail needs to be sent to **Infiniti Grievance Council** igc@infinitiresearch.com.

The complaint should contain:

- The complaint should be addressed to the IC members and not the employer/HR representative
- The complaint should be concise, i.e. it should be written in simple language which can be understood easily. Complaints that are well written and presented properly have greater credibility
- Details of exact incident, date and time, witness etc. to be included
- Circumstances preceding and following the incident to be recorded
- Whether the complainant asked the respondent to desist from the unwelcome act(s)
- Append as many documents as possible in whatever format i.e. relevant e-mails, screenshots of SMS's/WhatsApp messages, call details, photographs, recordings etc.
- Details of the respondent including name, designation, reporting structure between complainant and respondent if any (whether subordinate, colleague or superior)
- Do not state any fact that is false or incorrect

Conciliation

Before initiating action on a complaint, the IC on the request of the aggrieved woman, can make efforts to settle the matter between the parties through conciliation by bringing about an amicable settlement. Conciliation is basically an informal method of resolving complaints before the complaint escalates into a fully blown formal inquiry. Thus, after a complaint of sexual harassment has been lodged, the aggrieved woman may request the IC to resolve the matter by conciliating between the parties before commencement of the inquiry proceedings, although monetary settlement should not be made as a basis of conciliation. Once the settlement has been arrived at, the IC shall record the settlement arrived at and thereafter provide copies of the settlement to the aggrieved woman as well as the respondent. Once a settlement has been arrived at, the IC shall proceed with an inquiry under the POSH Act.

Redressal Mechanism – Formal Intervention

Constitution of the Internal Committee (IC)

IC constitutes of the following people:

- **Presiding Officer:** Woman employed at a senior level at the workplace from amongst the employees
- **Members:** 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
- **External member:** From an NGO or association committed to the cause of women or person familiar with issues relating to sexual harassment

Not less than half of the IC Members shall be women. The term of the IC Members shall not exceed 3 years. A minimum of 3 Members of the IC including the Presiding Officer are to be present for conducting the inquiry.

Resolution procedure through formal inquiry

Conducting Inquiry

The IC initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the IC that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent. The IC proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint

Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the IC sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The IC makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three IC members including the Presiding Officer is present

Interim relief

During pendency of the inquiry, on a written request made by the complainant, the IC may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the IC regarding the same

Termination of Inquiry

The IC may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order

Inquiry procedure

All proceedings of the inquiry is documented. The IC interviews the respondent separately and impartially. IC states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the IC facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the IC which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

Action to be taken after inquiry

Post the inquiry the IC submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry. The findings and recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

Complaint unsubstantiated

Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the IC ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the company.

Complaint substantiated - Punishment and compensation

The POSH Act prescribes the following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment:

- Punishment prescribed under the service rules of the organization that may be - disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service and deduction of compensation payable to the aggrieved woman from the wages of the respondent
- The POSH Act also envisages payment of compensation to the aggrieved woman. The compensation payable shall be determined based on:
 - The mental trauma, pain, suffering and emotional distress caused to the aggrieved employee

- The loss in career opportunity due to the incident of sexual harassment
- Medical expenses incurred by the victim for physical/ psychiatric treatment
- The income and status of the alleged perpetrator; and feasibility of such payment in lump sum or in installments
- In the event that the respondent fails to pay the aforesaid sum, IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer

Post implementation of the actions follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

Malicious Allegations

Where the IC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint. The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the IC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the IC, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

QUERIES / ESCALATION MATRIX

For Queries on the policy Login to Infinian Connect portal and raise a ticket under the HR Section
1st Level Escalation hrindia@infinitiresearch.com

DISCLAIMER

The company reserves the right to add / modify/ delete the contents / sections of the policy document. Any such change shall be communicated to the employee by way of an email announcement and shall be applicable to the employee during the course of his/her employment with Infiniti Research and thereafter (where applicable). Updated policy documents shall be uploaded online (replacing the previous version).