

VLCC HEALTH CARE LTD

PREVENTION OF SEXUAL HARRASSMENT IN WORKPLACE POLICY

VLCC Health Care Limited (including its subsidiaries) is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin or disability.

The Company also believes that all employees of the Company have the right to be treated with dignity.

Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.

There is Zero Tolerance for Sexual Harassment



What is POSH?

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly referred to as the 'POSH Act' is an Indian law with the objective of making workplaces safer for women by preventing, prohibiting and redressing acts of sexual harassment against them in the workplace.

- ✧ The Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.
- ✧ Indian Penal Code (Section 209, 354, 376 and 509), 1860; and
- ✧ Industrial Employment (Standing Orders) Act, 1946





PREVENTION

Refers to the proactive measures that organizations must take to stop sexual harassment before it occurs.

This includes creating awareness among employees about what constitutes sexual harassment, conducting regular training sessions, and establishing a clear policy.



PROHIBITION

Involves the formal banning of sexual harassment within the workplace.

It is mandatory to follow the law includes its provisions in the internal policies that explicitly forbid sexual harassment and outline the consequences of violating these policies.



Redressal

Refers to the mechanisms put in place to address and resolve complaints of sexual harassment.

A structured process for filling complaints, conducting investigations and ensuring justice for the aggrieved party.



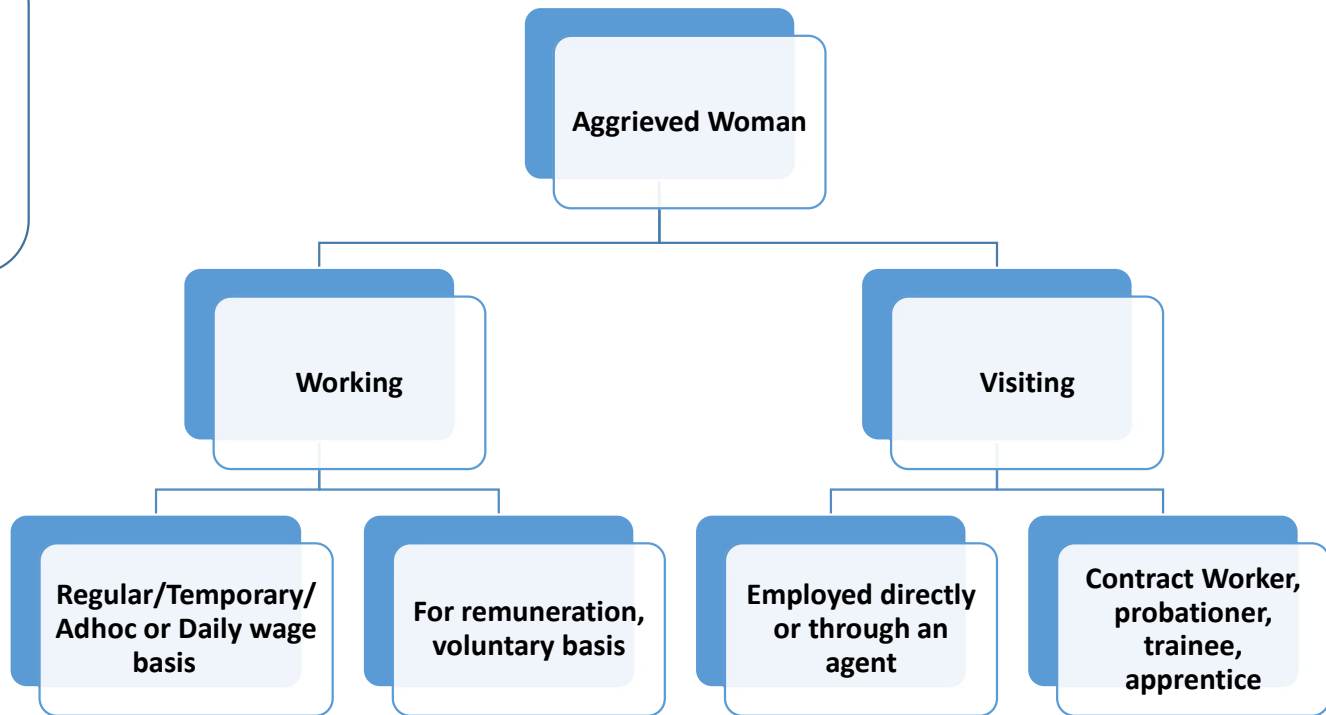
Workplace is any place visited by the employees arising out of or during the course of employment including transportation provided by the employer for undertaking such journey. It also constitutes:

- *Workplace of an external client*
- *Business Trips, Company guest house, Hotel stay during official travel*
- *Official meetings outside office premises*
- *Business related social events*

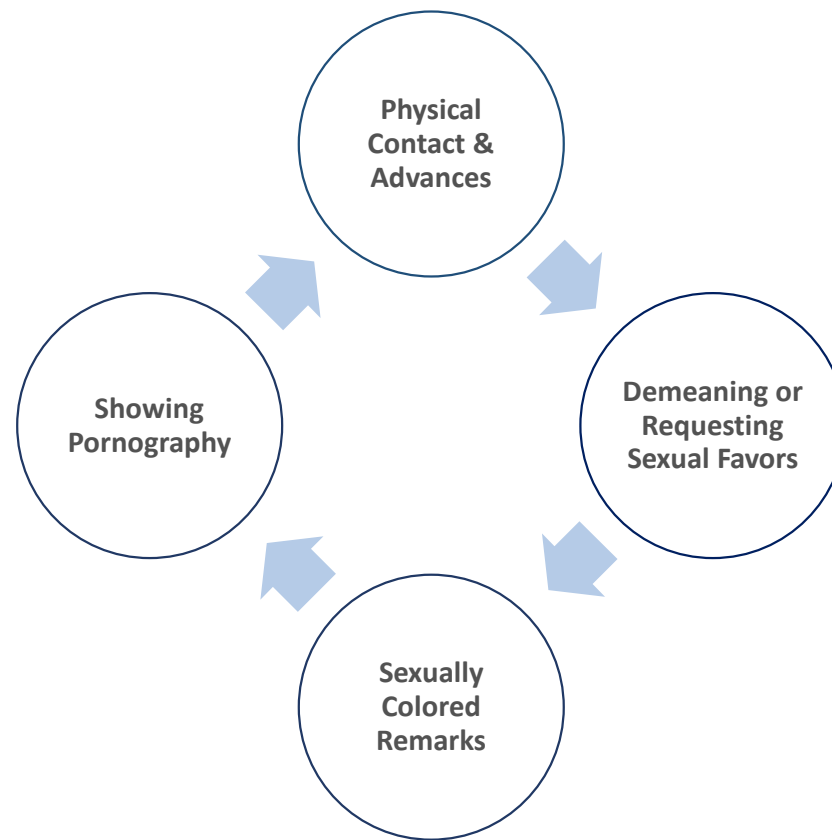
- Workplace Sexual Harassment is behaviour that is:
 - Unwelcome
 - Sexual in Nature
 - A Subjective experience
 - **IMPACT not INTENT is what matters**
 - Workplace Sexual Harassment often occurs in a matrix of power
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Can women who are not employed within the workplace avail protection under the Act?

The Act recognizes the right of every woman to a safe and secure workplace environment irrespective of her age or employment/work status.



What Constitutes Sexual Harassment



Examples of Sexual Harassment

Verbal

Gender based insults or sexist remarks

Comments about a woman's attire, body shape, size, makeup etc.

Inappropriate questions, telling jokes of sexual nature

Controlling a person's reputation by rumor-mongering about her private life

Persistently asking someone out, despite being turned down

Suggestive or insulting sounds such as whistling

Non- Verbal

Staring, sharing sexually slanted and obscene jokes, jokes causing or likely to cause awkwardness or embarrassment

Stalking an individual

Sizing up a person's body (looking up and down)

Derogatory gestures of a sexual nature

Facial expressions of a sexual nature; winking

Physical

Intentional touching, pinching, grabbing, brushing against someone else

Forcible physical touch or molestation

Standing too close to another person, leaning over, invading a person's space

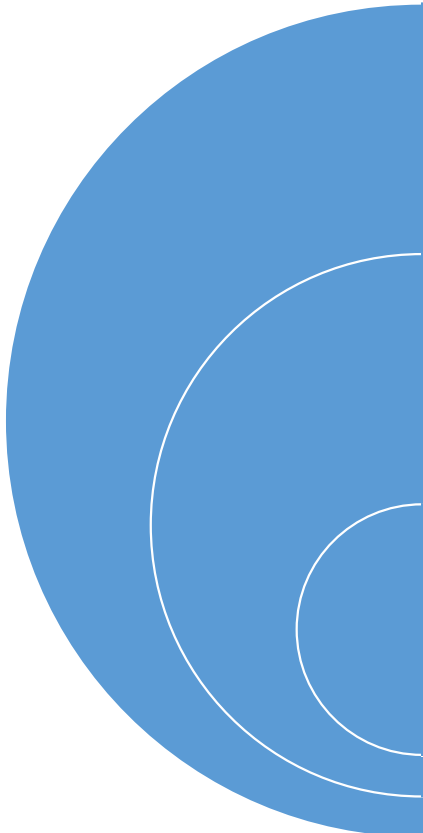
Blocking someone's path with the purpose of making a sexual advance

Visual

Showing/sharing pornography

Presence of sexual visual material such as posters, cartoons, drawings, calendars, pinups, pictures, computer programmes of a sexual nature

Written material that is sexual in nature, such as notes, SMS, E-mail containing sexual comments



Any conduct or behaviour is unwelcome if: the recipient does not consent to it or regards it as offensive.

Even if the victim does not complain, it doesn't necessarily imply that the conduct is welcome.

Some comments and/or advances are blatant and crude and are inherently offensive: these will almost always be deemed as unwelcome.

Unwelcome	Welcome
Feels bad	Feels Good
One sided	Reciprocal
Feels powerless	In-control
Power based	Equality
Unwanted	Wanted
Illegal	Legal
Invading	Open
Demeaning	Appreciative
Causes anger/sadness	Happy
Causes negative self-esteem	Positive self esteem



Quid pro Quo

Hostile
Environment

QUID PRO QUO- MEANS ('THIS FOR THAT')...IN EXCHANGE

- Promise of job in exchange for sexual favors on a date
 - Giving little or too much work if one does not agree to sexual favors
 - Terminating an employee who refuses to comply with sexual demands
 - Promising a raise for sexual favors
 - Removing areas of responsibilities if one does not agree
 - Desirable work shifts or assignments
 - Favorable performance reviews
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Hostile Work Environment- Creating a space of Discomfort

- Amy is a researcher at a media agency led by Dr John, a well-known journalist. In the few months of Amy's employment. Dr John is very pleased with her work and publicly appreciates her.
 - Soon after Dr John frequently called Amy to his office on the pretext of work and started making verbal sexual advances at her. He even asked her out to spend quality time together.
 - Amy firmly refused his sexual advances. Dr. John stopped. Now he ridicules her work and humiliates her in the presence of colleagues and the staff.
 - He discriminates against her by allotting projects to her and then suddenly withdrawing the work.
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Every employer is obliged to constitute an IC through a written order. The IC will be composed of the following members:

- Presiding Officer- Senior Woman Employee
- 2 members (minimum) – social work, legal, women
- External member- NGO, legal knowledge

Rules

- Women representation in the committee will not be less than half of total strength of committee.
- Tenure of IC will be for a maximum of three years, from the date of their nomination.



Receiving complaints of sexual harassment at the workplace

Initiating and conducting inquiry as per the established procedure

Submitting findings and recommendations of inquiries

Maintaining strict confidentiality throughout the process as per established guidelines

Coordinating with the employer in implementing appropriate action

IC will have the powers which are vested in a civil court under the Code of Civil Procedure, 1908.

How to make a Complaint

- A complaint of sexual harassment at workplace to the IC, can be made in writing within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident.
 - Any complaint received will be treated with high confidentiality
 - Complaints expressed anonymously will not be investigated
 - On account of physical or mental incapacity, complaint can be made by the aggrieved woman's colleague, friend, family members etc.
 - The IC will discuss further to resolve the complaint, amicability only if the aggrieved woman is willing.
 - Where the matter is resolved amicably, no further inquiry shall be conducted. If not, then a formal enquiry needs to begin.
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- Transfer the aggrieved woman or the respondent to any other workplace; or
 - Grant leave to the aggrieved woman up to a period of three months; in addition to the leave she would be otherwise entitled
 - Prevent the respondent from assessing complainant's work performance
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Important Timelines

1. Submission of Complaint within 3+3 months of the last incident.
 2. Notice to the Respondent within 7 days of receiving copy of the complaint
 3. Respondent's written response within 10 working days
 4. Completion of Inquiry within 90 days from the receipt of the complaint.
 5. Submission of Inquiry Report by IC to employer within 10 days from completion of the inquiry.
 6. Implementation of Recommendations of the IC by Employer within 60 days.
 7. Appeal within 90 days of the recommendations.
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Action against Harassment can include

- If the allegation against the Respondent has been proved, the Committee may recommend the employer to take the following actions:
 - A written apology
 - Warning
 - Withholding of promotion
 - Withholding of pay rise or increments
 - Demotion
 - Termination
 - Suspension
 - Providing counselling session
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- The Act prohibits the disclosure of the below by all employees:
 - Contents of the complaint
 - Identity and address of aggrieved woman, respondent and witnesses; information pertaining to conciliatory./inquiry proceedings or recommendations of the IC; decision of the Employer
 - Action taken by the employer for disclosing any information pertaining to the POSH complaint- As per the Service Rules.
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Complaints of Malicious Intent/False Complaints

- Where the IC members arrives at a conclusion that the allegation against the respondent is malicious or
- The aggrieved woman has produced any forged or misleading documents, or
- Any witness has given false evidence or produced any forged or misleading document

The IC may recommend to the employer that strict action be taken against the aggrieved woman, including legal action and/or termination of employment from the company or any other disciplinary actions mentioned in the Service rules of the Company.



- **DO NOT IGNORE IT.** – don't pretend it didn't happen. Inform the harasser that the behaviour is unwelcome.
 - **REPORT THE INCIDENT.** – Tell the ICC exactly what happened as soon as possible.
 - **DO NOT ACCEPT THE BEHAVIOR.** – Do not tolerate the harassment even if it seems that others around are tolerating it.
 - **BE SUPPORTIVE.** – If someone wishes to talk to you about their personal experience, listen with empathy and then direct them to ICC.
 - **ANY ASSOCIATE MAY FILE COMPLAINTS.** – If you see someone else getting harassed, you may also file a complaint.
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- I Declare that I have read and understood the contents of the POSH policy.

☐ Yes☐ No
