

Prevention of Sexual Harassment (POSH) Policy

Introduction

The 'Policy on Prevention of Sexual Harassment of women at workplace: Guidelines for "WCS" intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it

Further, as stated in the "Wissend Consultancy Services Pvt Ltd business principles" - Our success is based on our people. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.

1. Objective :

Company is committed to creating a safe environment free from any form of sexual harassment and where all the employees are treated with dignity and respect.

2. Coverage and Effective date:

This Policy shall apply to all trainees and employees of Wissend consultancy services and shall take effective from **01-01-2020**.

3. Applicability.

This policy extends to all the employees of the company, including those employed on regular, contractor and those working on a voluntary basis, with or without express or terms of employment.

In addition to the above, this policy also extends to those who are not employees of the company who may be affected in the course of any activity related to the work of the company or carried out within the premises used for the execution of Company's work or day-to-day operations.

4. Scope

The scope of this policy extend to all work places including all offices, branches, departments, units, project locations as well as the external locations used for the purpose of work carried out by the company.

5. Definition

Sexual harassment may occur not only where a person uses sexual behaviour 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), but not limited to:

- 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.
- Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman
- 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 co-worker, a contract worker, probationer, trainee, apprentice or by any other such name.
- 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 “WCS, including transportation provided for undertaking such a journey.
- Employer: A person responsible for management, supervision and control of the workplace

6. Roles and Responsibilities

- All personal are expected to respect the rights of others and to never encourage any type of harassment
- All are encouraged to advice others of unwelcome behaviours and deter others from involving any such activities.
- All managers at the company are required to ensure that nobody is subject to harassment and there is equal treatment to all levels. They also are require to educate the employees of unwelcome behaviours and warn them of the Consequence of such actions.

All are encouraged to advise others of behaviour that is unwelcome. 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.

7. Sexual Harassment

Sexual harassment includes any one or more of the following unwelcome acts or behaviour whether directly or by implications

- a. Physical contact or advances
- b. A demand or request for sexual favours
- c. Making sexuality colour remarks
- d. Showing pornography or
- e. Any other welcome physical verbal or non-verbal conduct of sexual nature.

The following circumstances among other circumstances, if they occur or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment

- a. Implied or explicit promise of preferential treatment in employment
- b. Implied or explicit threat of detrimental treatment in employment
- c. Implied or explicit threat about the present and future employment status
- d. Interference with work or creating an intimidating or offensive or hostile work environment or
- e. Humiliating treatment likely to affect the lady employee's health or safety.

8. Internal Complaints committee

To prevent instances of sexual harassment and to receive and effectively deal with the complaints pertaining to the same an Internal complaints committee, (ICC) is constituted at each location of the company have an office or branch with more than 10 employees.

Internal committee consists of the following members as appointed by the management of the company from time to time.

- a. Presiding officer who shall be the women employed at a senior level at the workplace from amongst of the employees.
- b. Not less than two members from the amongst employees preferably committed to the cause of women or who have experience in social work or have legal knowledge.
- c. One member from among on-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- d. At least one half of the total members so nominated shall be women
- e. The ICC member should be sensitive to issues pertaining to gender-based violence and should have good credibility and technical competency to handle grievance procedure.
- f. The presiding officer and every member of the IC shall hold for the maximum period of 3 months from the date of their appointment from the management.

9. Roles and Responsibilities

1. Receiving complaints of sexual harassment at the workplace
2. Initiating the inquiry and procedure as per the policy
3. Submitting the report and recommendations to the management
4. Coordinating with the management in implementing appropriate action.
5. Maintaining the confidentiality throughout the process as per the policy and
6. Submitting the annual report in the prescribed format

Current nominated members of the committees are given in Annexure A

10. Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident.

The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir,
- Relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately. Wherever possible WCS ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

11. Receiving a Complaint (guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint: -

- Complaints are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation are not be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, is used. Clear

description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.

- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

12. Resolution procedure through conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted

13. Resolution procedure through formal inquiry

Conducting Inquiry

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation has not been complied with by respondent

The Committee 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 committee 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 Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present

Interim relief

- During pendency of the inquiry, on a written request made by the complainant, the committee 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 committee regarding the same

14. Termination of Inquiry

Committee at WCS 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 are documented. The Committee interviews the respondent separately and impartially. Committee 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 Committee 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 Committee 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

While preparing the findings/recommendations, following are considered:

Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature

- Whether the allegations or events follow logically and reasonably from the evidence • Credibility of complainant, respondent, witnesses and evidence

- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings was made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

Action to be taken after inquiry

Post the inquiry the committee 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 at WCS” 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 committee 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 committee 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

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counselling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Management may deem fit

The employer at WCS acts upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behaviour 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 Manager supported by HR

15. Malicious Allegations

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

16. Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, 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.

The complaints may be launched to Complainbox@wissend.com., the accessibility of the mail is restricted to only AD to make sure the confidentiality is strictly maintained.

17. 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.

Annexure A

Presiding Officer - Ms. Jaya Sudha

Member – Senthil Kumar

Member – **Viswanathan**

Member : TBA

External Member: TBA

Employer : Wissend Consultancy Services Pvt Ltd