



Title	Gender Harassment Policy
Description	<b>Definition of 'Sexual Harassment' and Norms for redressal</b>
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Approved By	Aniket Doegar
Date Created	Nov, 2019
Maintained By	Sharmil Avachat

Version	Modified By	Date Modified	Modifications Made	Effective
1.0	Sharmil Avachat	Nov 2019		
2.0	Sharmil Avachat	Jan 2021	Madhura Karnik Chairperson	Jan 2021
3.0	Sharmil Avachat	May 2022	Change of other Internal Members	May 2022
4.0	Sharmil Avachat	Dec 2022	Change of External Members	Dec 2022

## GENDER HARASSMENT POLICY

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*"The meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitudes to encompass all facets of gender equality...."*

### 1) Introduction:

Our country's workforce, with increasing education and aspiration for growth and higher income, is inclusive of an increasing number of women workforce too, talent is not gender-biased and today Organizations believing in work productivity and holistic progress, will have no-holds bar on the gender of the employee. Work productivity can be optimal and possible when working under pleasant, safe and secured environment.

As an Organization, HAQDARSHAK (HQ) is committed to conducting and governing itself with ethics, transparency and accountability. Towards this, we have developed reporting structures, practices and procedures that are conducted across all verticals and locations. In consonance, it is also dedicated to ensuring that the work environment is conducive to fair, safe and harmonious relations based on mutual trust and respect. It is important to have safety at work, in the absence of which it erodes quality of work and have a negative impact of lives and livelihoods.

HAQDARSHAK aims to provide a safe working environment and prohibits any form of sexual

harassment.

Hence any act of sexual harassment or related retaliation against or by any working member of the Organization, is unacceptable. The policy, therefore, intends to prohibit such occurrences and also charts out the norms and action points as would be applicable.

The right to be protected from sexual harassment and sexual assault is guaranteed by the Constitution of India. This right is reiterated by the Directive Principles of State Policy contained in the Constitution, which are to be construed harmoniously with the fundamental rights. It is well established that ensuring safe working conditions for employees leads to a positive impact on their participation in the workforce and increases their productivity, which in turn benefits the nation as a whole.

**2) Objective of the policy:**

The Sexual Harassment of an employee at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative act in India that seeks to protect employees from sexual harassment at their place of work. HQ Sexual Harassment Policy has been framed for the purposes of preventing, prohibiting and redressing sexual harassment of any employee at HQ having regard to the provisions contained in the Act, which are based on fundamental principles of justice and fair play.

**3) Scope of the Policy:**

- 1.1 This Policy extends to all employees of Haqdarshak Empowerment Solutions Private Limited situated in India having its registered office at 546, 8th Main, Block IV Koramangala, Bangalore, 560034 and other offices at the locations mentioned in Annexure 2 and is deemed to be incorporated in the Haqdarshak service rules of for all employees'.
- 1.2 This policy will extend to all associates of the HQ including those employed on regular, temporary, ad-hoc or daily wage basis, either directly or indirectly working for the Organization.

**4) What is Sexual Harassment:** Sexual harassment would mean and include any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- Physical contact and advances
- A demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

**5) Prevention of Sexual Harassment:**

No employee shall be subjected to sexual harassment at any workplace. The following circumstances, among other circumstances, if present in any act or behavior of sexual harassment may amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in her/him employment; or
- ii. Implied or explicit threat of detrimental treatment in her/him employment; or

- iii. Implied or explicit threat about her/him present or future employment status; or
- iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her/him; or
- v. Humiliating treatment likely to affect her/his safety or modesty at workplace.

## **6) Definitions:**

- i. Employee - Employee limited for the specific purpose of application of this policy means and includes any employee on the payroll of HQ, including those on deputation, contract, temporary, part-time or working as consultants/advisor or by any other such name at any business of HQ.
- ii. EMPLOYER - Employer means any business of HQ which has employed the employee for any work at any workplace.
- iii. Workplace – All HQ operational geographies and location offices.
- iv. Aggrieved person : Any employee who registers the complaint.
- v. Respondent: Employee against whom the complaint (accused) has been registered.
- vi. Service Rules : Terms and Conditions of Employment and qualified further by Letter of Engagement / Offer letter and other Policies of the Organization published and applicable at the time.

## **7) Internal Complaints Committee(ICC)**

There is an Internal Complaints Committee that has been formulated effective to the formulation of 'Sexual Harassment Policy'. This is the Redressal Cell, to whom one can reach out / register with, the complaint. It is the responsibility of the Committee to address the issue, and resolve it within 90 days.

The responsibilities of this Committee are as follows:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

## **8) Process of Complaint :**

- Aggrieved employee has to submit written complaint to the Committee in the prescribed format. Refer Annexure III below.
- No complaint shall be considered on behalf of an aggrieved employee.
- Incidence of Sexual harassment to be reported within 3 months to the ICC.

## **9) Conduct of Inquiry :**

### 9.1 Process of Inquiry

- Complaint should be registered on [icc\\_posh@haqdarshak.com](mailto:icc_posh@haqdarshak.com). Only written and formal communication to this e-mail id shall be accepted and shall be considered as part of the Process

of Inquiry.

- Upon receiving the complaint from the Aggrieved ICC shall acknowledge the receipt of the complaint and proceed to make an inquiry.
- A copy of the complaint shall be sent to the respondent within 7 days of the receipt of complaint by the ICC and the respondent should respond within 10 days of receipt of above.
- Aggrieved has to submit proofs / witness/es within 15 days from the date of complaint registered to the ICC for validation of the complaint in a format (as shall be shared by ICC after receipt of complaint).
- The respondent will be asked to prepare response to the statement to the allegations, along with the list of documents, names and addresses of the witnesses, and submit to the ICC within a period not exceeding ten (10) working days of receipt of copy of complaint.
- The ICC shall assess the validity of the proofs and due weight in accordance shall be given to the facts and circumstances surrounding the complaint.
- The Committee will organize verbal hearings - virtual in case of Aggrieved and Respondent who are at remote locations.
- The Committee will take testimonies of other relevant persons and review the evidence wherever necessary.
- During the inquiry process, the complainant and the respondent shall refrain from any form of threat, intimation or influencing of witnesses.
- Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents.
- The Committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidence and relevant statements.
- The Committee shall decide and determine the course of action to be followed as part of the inquiry process.
- Before reaching to the final conclusion, if required , the Committee may suo moto:
  - Seek medical, police and legal intervention on case to case basis with the consent of the complainant and Management.
  - Make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.
- Upon completion of the investigation, the results of the investigation shall be declared to both the parties by the ICC.
- For the purpose of making an inquiry, the Committee shall have the same powers as are vested in the civil court under Code of Civil Procedure, 1908.
- The Committee will investigate and prepare an inquiry report with recommendations within ninety (90) days.

#### 9.2. Conciliation -

- At the request of the Aggrieved, the ICC can take steps to settle the matter between the aggrieved and the respondent. After such settlement, no further inquiry shall be conducted by the ICC.
- If the respondent fulfils obligations as agreed upon, the case is announced 'closed'. If not, the inquiry would commence.

9.3. 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 , in addition to the leave he/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

#### **10) Termination of Inquiry :**

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

Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of policy and leads to termination of an inquiry with immediate effect.

#### **11) Disciplinary Action :**

Where any misconduct is found by the Internal Complaints Committee, appropriate disciplinary action shall be taken against the respondent. 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, its severity and this may include:

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

**12) CONFIDENTIALITY** - The contents of the complaint, the identity and addresses of the aggrieved, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Complaints Committee, and the action taken by the employer shall not be published, communicated or made known within or outside the Organization.

### **13) 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:

- Refusing to participate in any activity which constitutes harassment
- Supporting the person to reject unwelcome behavior
- 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 HQ 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.

All managers to ensure that they themselves as well as their team, including new joinees, are aware of the Handbook on Prevention of Sexual Harassment in place and strictly adhere to it. ICC shall investigate all complaints and take appropriate action, upto and including termination of employment.

### **14) Appeal:**

Any person aggrieved by the recommendations made by the Internal Complaints Committee or non-implementation of such recommendations may prefer an appeal to the authority.

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 **60 days** of the recommendations being communicated.

**15) This Policy shall be in effect from 1st December, 2019,** which means that any incidence on or post this date shall be recorded and considered for redressal under this Policy.

**Encl:**

**>>Annexure I:** Members of the Internal Complaints Committee

**>>Annexure II:** HQ Operational Locations : PAN India

**>> Annexure III:** Complaint Registration form

**Annexure I : Members of the HQ Internal Complaints Committee (ICC)**

Sr_No.	Post of Committee Members	Name
1.	Presiding Officer (Internal member)	Madhura Karnik
2.	Internal Member	Surabhi Kakrania
3.	External Member	Dr Gayatri Mishra Oleti
4.	External Member	Sagarika Bose
5.	External Member	Foram Nagori

**Annexure II : HQ Operational Locations : PAN India (updated quarterly)**

Sr_No	State	Office Location
1	Andhra Pradesh	-
2	Assam	-
3	Bihar	-
4	Chhattisgarh	-
5	Delhi	Delhi
6	Gujarat	-
7	Haryana	-
8	Himachal Pradesh	-
9	Jharkhand	-
10	Karnataka	Bangalore
11	Kerala	-
12	Madhya Pradesh	Indore
13	Maharashtra	Pune
14	Odisha	-
15	Punjab	-
16	Rajasthan	-
17	Tamil Nadu	-
18	Telangana	-
19	Uttar Pradesh	
20	West Bengal	-

21	Uttarakhand	-
22	Manipur	-
23	Nagaland	-
24	Jammu & Kashmir	-

The above list shall be revised basis the changes/additions in HQ locations under operations.

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**Annexure III:**

**Haqdarshak Empowerment Solutions Pvt Ltd.**

**Performa for Filing of Complaints of Sexual Harassment**

**SECTION I: Details of the Complainant – Aggrieved.**

Name:	
Age:	
Gender:	
Address:	
Position:	
Base location:	
Phone number: <ul style="list-style-type: none"> <li>• Primary number:</li> <li>• Alternative number:</li> </ul>	
Email: <ul style="list-style-type: none"> <li>• Official e-mail id</li> <li>• Personal e-mail id</li> </ul>	

**Details of Respondent / Accused - Person(s) against whom the complaint is being lodged:**

Name(s):	
Gender:	
Address:	
Position:	
Base / Work location:	
Phone number:	
Email id:	
How do you know the respondent?	
Description of Complaint with date and location of incidence:	

Signature :

Name :

Date :

**All the details above are mandatory for the complaint to be officially registered with the ICC for needful action.**

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**Please go to next page**

**SECTION 2: can be filled in within 15 days of date of complaint registration**

The Complaint, with dates, timings and other significant details: (Please attach extra sheets if needed and then sign in the end), which can be submitted within 15 days of complaint registration.

- Names and Contact Details of Witnesses:
- Other proof details:
- Attachments (if any):

Name & Signature of the Complainant (Mandatory):

Date of Submission:

*NOTE: All complaints will be kept strictly confidential and if the complainant wishes she can meet any of the IC members for discussion and submission of the complaint.*

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