

Sexual Harassment Redressal Policy at the Workplace

| Reference No. | Dated | Policy | Prepared by | Reviewed by | Approved By |
|---------------|----------|---|-------------|-------------|-------------|
| HR-06-21 | 1-Feb-21 | Sexual Harassment Redressal Policy at Workplace | HR | COO | CEO |

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I. Objective

Smartworld Developers Private limited is committed to keeping the workplace free from sexual harassment and has framed a procedure, in line with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to be followed in cases where employee(s) alleges sexual harassment at workplace.

II. Scope

All employees will be covered under the present Policy Against Sexual Harassment at Workplace (hereinafter referred to as 'the Policy'). Policy against sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsource employees. This policy is with respect to prevention, prohibition and redressal of sexual harassment which may arise at:

- (i) Company Offices;
- (ii) such places or locations where acts are conducted with respect to working relationships or while fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the Company for undertaking such visit;
- (iii) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

III. Definitions

- (1) **"Aggrieved Person"** means any person alleging sexual harassment at workplace by the Respondent.
- (2) **"Company"** means Smartworld Developers Private limited
- (3) **"Complaint"** means a written complaint filed by an aggrieved person alleging sexual harassment at workplace.
- (4) **"Employee"** means any person on the rolls of the Company including temporary, part time and honorary employees by whatever name called. For the purposes of Policy, employee shall be deemed to include persons employed on a casual or project basis, contractual or otherwise, and also includes persons engaged as Trainees and Consultants.
- (5) **"Internal Complaints Committee"** means a Committee constituted by the Company for the purposes of this Policy.

- (6) **“Respondent”** means a person against whom the aggrieved person has made a Complaint.
- (7) **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
- i. Physical contact and advances; or
 - ii. A demand or request for sexual favors;
 - iii. Making sexually colored remarks; or
 - iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs in relation with any act of sexual harassment:

- a. Implied or express promise of preferential treatment in relation to employment;
- b. Implied or express threat of detrimental treatment in relation to employment
- c. Submission to such conduct is made an implicit or explicit term or condition of employment; and/or
- d. Submission to or rejection of such conduct is the basis of any employment decision; and/or
- e. Such conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive environment.

The above is only an indicative list of possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

IV. Internal Complaints Committee

Every complaint shall be forwarded to the Internal Complaints Committee constituted under the Policy. The investigation shall be carried out by the Internal Complaints Committee constituted for this purpose.

An Internal Complaints Committee has been constituted consisting of the following members as nominated by the Company:

- i. A woman employee employed at a Senior Level shall act as the Presiding Officer of the Committee
- ii. 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.
- iii. One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The Name of the Members of the Internal Complaints Committee is as per *Annexure A* of this Policy and any change in such composition shall be effected in the policy.

V. Grievance Procedure and the Enquiry Process

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the Committee giving details of the sexual harassment meted out to her/him within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months

from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee.

1. The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principle of natural justice while handling such complaints.
3. The Complainant shall make a complaint to the Internal Complaints Committee through following mode:
 - a. Copy of complaint along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee.
 - b. On receipt of such complaint, Internal Complaints Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days
 - c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
 - d. Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
 - e. Internal Complaint Committee shall have the right to terminate the enquiry or give *ex-parte* decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause
 - f. The Internal Committee must complete its investigation within a period of 90 days
 - g. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee
 - h. For conducting the enquiry the quorum of the Internal Complaints Committee shall be of 3 members including the presiding officer
4. The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, the Internal Complaints Committee shall ensure that:
 - a. Monetary settlement will not be made as a basis of conciliation
 - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it
5. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee
6. The Internal Complaints Committee may during such investigation may exercise the power of a Civil Court, vested in it, in respect of:
 - a. summoning and enforcing the attendance of any person and examining him under oath; and
 - b. requiring discovery and production of documents; and
 - c. any other prescribed matter.
7. During such enquiry, upon written request by the aggrieved person, the Committee may at its discretion recommend:
 - a. to transfer the aggrieved person or the respondent to any other workplace; or
 - b. grant leave to the aggrieved person of up to three months which is in addition to leave to which he / she is otherwise entitled.

Provided the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

VI. ACTION

1. The Committee shall, on completion of the Enquiry, submit a Report of its findings within 10 days from the date of completion of the Enquiry and such Report shall be made available to the aggrieved person and the Respondent.
2. If the allegations against the Respondent are not proved, the Committee may recommend that no action be taken in the matter.
3. If the Committee comes to the conclusion that the allegations against the Respondent have been proved, it may recommend any of the following actions commensurate with the gravity of the act of the Respondent:
 - a. Issue Letter of reprimand or warning
 - b. Take action for sexual harassment as a misconduct.
 - c. Direct the Respondent to tender written apology to the aggrieved person,
 - d. Withhold promotions / increments of the Respondent,
 - e. Terminate the services / Dismissal.
 - f. To deduct from salary / wages of the Respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person as it may determine.

VII. AWARENESS

1. All employees shall have access shall have access to this Policy and clarification related to the Policy shall be addressed by the HR Department.
2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees during their induction
3. The Company undertakes to comply with all such requirements as are contemplated under Section 19 of the Act to ensure that all employees are provided with a safe working environment.
4. Company shall display notice showing the names of the members of the Internal Complaints Committee at its establishment at a conspicuous place.

VIII. FALSE ACCUSATION

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents

IX. MISCELLANEOUS

1. Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other law
3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
 - a. Number of complaints of sexual harassment received during the year;
 - b. Number of complaints disposed off during the year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness program against sexual harassment carried out;
 - e. Nature of action taken by the employer

Annexure – A

INDEX OF MEMBERS OF THE INTERNAL COMPLAINTS COMMITTEE

As on 21-Aug-21

| Name | | Email Id |
|-----------------------|-----------------|--|
| Ms. Nandita Goel | Chairperson | Nandita.goel@smartworlddevelopers.com |
| Mr. Rajat Jain | Member | rajat.jain@smartworlddevelopers.com |
| Ms. Deepika Manchanda | Member | deepika.manchanda@smartworlddevelopers.com |
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