

# Policy for Prevention of Sexual Harassment (POSH) of Women at Workplace

(PREVENTION, PROHIBITION AND REDRESSAL)  
ACT 2013



# Revision History

Version No.	Date	Sections	Prepared / Updated by	Reviewed / Approved by	Remarks
1.0	01 Dec 13	All	Ramachandra Kodi	Sujatha Balakrishnan	Baselined Version
2.0	18 Mar 16	All	Ramachandra Kodi	Sujatha Balakrishnan	Revised based on Statutory Amendments
3.0	30 Sep 19	Few relevant as per recent court precedents	Ramachandra Kodi	Sujatha Balakrishnan	Modifications as per Government Directions and recent Court Precedents
3.1	18 Jan 24	Replace HR with P&C	Vinay Sikharam	Ramachandra Kodi	Updated to the latest document format and replaced HR with P&C

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# 1. Objective

The Prevention of Sexual Harassment Policy is aimed to Prevent, Prohibit and Redress them and to deter the commission of such acts of harassment at workplace and to provide the procedure for the redressal of complaints pertaining to Sexual Harassment with aim of creating Healthy, Harmonious and safe working atmosphere for women without any gender bias.

# 2. General

Valtech India Systems Private Limited (Valtech) is an equal employment opportunity company and is committed to creating a healthy, harmonious and safe working environment without any gender bias and to enable women employees to work without fear of prejudice, gender bias and sexual harassment with Integrity, Agility and Excellence to remain as our core values and to protect the dignity of women at work.

Towards this, it is essential that each employee deals with their colleagues and third parties with full fairness and respect and realizes that his/her behavior will be attributed to the company and can affect its inward and outward reputation.

This Policy is subject to change by the Company from time-to-time as may be deemed appropriate to meet the exigencies and practice or as directed by suitable amendments in the said Act.

- 1) The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
- 2) The IC shall keep complete and accurate documentation of the complaint, Respondent, its inquiry proceedings and the resolution, Report & Findings thereof very confidential. The incident would be documented in both the complainant's and the Respondent's files with the full report of the Complaints Committee
- 3) The IC shall prepare an Annual Report as shown in Annexure 2 and to submit the same to the MD & Head-P&C
- 4) The Head of P&C Team may be contacted for any queries or clarifications about this Policy, its implementation or otherwise.

# 3. Scope of Applicability

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These guidelines are applicable to all Women employed in Valtech premises covering Office premises, on duty as well as at the clients' premises.

Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:-

- 1) physical contact and advances;
- 2) a demand or request for sexual favors;
- 3) sexually colored remarks;
- 4) showing pornography;
- 5) any other unwelcome physical verbal or non-verbal conduct of sexual nature

Where any of these acts is committed in circumstances where the victim has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, wherein such conduct can be humiliating and may constitute a health and safety problem.

Thus, sexual harassment need not involve physical contact. Any act that creates a hostile work environment - be it by virtue of cracking lewd jokes, verbal abuse, circulating lewd rumors etc. counts as sexual harassment.

The creation of a hostile work environment through unwelcome physical verbal or non-verbal conduct of sexual nature may consist not of a single act but of a pattern of behavior comprising many such acts.

Sexual harassment would mean and include, but are not limited, to any of the following:

- 1) Use of slurs, epithets and words that degrade an individual, sexually colored remarks, even when used as a joke;
- 2) Unwelcome advances, demands or requests for sexual acts or favors, and other verbal or physical conduct of sexual nature, such as flirting, touching and graphic comments about another person's dress or body;
- 3) Display/ storage of cartoons, photographs, drawings, pin-ups, posters, Calendars, screen savers or images that are offensive or degrading to others;
- 4) Conduct which has the purpose of substantially interfering with an individual's work-performance or which creates an intimidating, hostile or offensive work environment;
- 5) Conditioning hire, continued employment, or terms and conditions of employment upon submission to sexual advances or requests for sexual favors.
- 6) "Employee" means any person on the rolls of the Company including those on Deputation, Trainee, Internship, Contract, Temporary, Part Time or working as Consultants.
- 7) Internal Complaints committee; Means Internal Complaints committee constituted by the Company.
- 8) Presiding Officer: means the Presiding officer of the Internal Committee (IC) nominated by the Company.

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# 4. Formation of the Internal Committee (IC)

The Internal Committee shall be constituted by the Managing Director & CEO who are formed to consider, investigate & inquire and redress complaints of Sexual Harassment for Bangalore and other centers as deemed appropriate.

It shall comprise of a Presiding Officer who is a senior women employee of the company.

The IC shall have two other members who are committed to the cause of women employees at work who are amongst non-Governmental Organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment preferably have a background in law or legal knowledge.

It is mandatory that women employees are in Majority with over 50 % in number in the IC.

The presiding officer and the members of IC shall be in the committee for not exceeding three years from the date of nomination by the Managing Director.

- 1) A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer and at least two members who shall be ladies. The management may at their discretion appoint any member or the presiding officer and or other members of IC for another term having regard to his expertise and the experience gained by him while being associated with the committee.
- 2) Notwithstanding the aforesaid, the company shall be entitled, at its sole discretion and at any time, to terminate the appointment (as member of the committee) of any member and appoint a substitute thereof in order to fulfill the constitution of the IC within 7 days from the date it became vacant.
- 3) The Managing Director shall or delegate such communication of the constitution of the IC in such manner as may be deemed appropriate in the organization.
- 4) The electronic version of this policy has been hosted on our organization's intranet and the same would be eligible to all employees at any given point in time.

## 4.1 Confidentiality Practiced by the IC Members

IC members are to maintain Confidentiality of the Complaint, complainant women and the respondent, their witnesses, conciliation and the inquiry proceedings of IC and their recommendations and the action taken by the company and not reveal them to public, press, media in any manner to protect the confidentiality and dignity of the person in the inquiry in the Format Annexure-1.

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However any such revelation of such matters with the Managing Director or such responsible person in the company for the reasons of managing the proceedings that would cover the details of Contents of the complaints of the aggrieved women, the respondent and their witnesses and of information pertaining to the Inquiry and its administration shall not amount to breach of confidentiality.

## 4.2 Disqualification of the Committee Member

- 1) An Employee Member shall cease to hold office as a member of the Committee if she/he ceases to be an employee of the Company which shall be substituted by any other Employee suitable Member as quickly as possible.
- 2) Has been convicted for an offence or an inquiry is pending under the law for any offence pending against him.
- 3) Found guilty of any disciplinary proceedings or on pending of any such proceedings
- 4) In case of any member contravenes the provisions of Confidentiality of the IC proceedings by making the proceedings known to others that interferes with the confidentiality and dignity of the person in the inquiry that would cover the details of Contents of the complaints of the aggrieved women, the respondent and their witnesses and of information pertaining to the Inquiry and conciliation proceedings, recommendations of IC and the action taken by the company to public, press, media in any manner.
- 5) All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.
- 6) Further, all members shall be disqualified from acting as members if she/he is found guilty of committing an act of any Harassment or any other act of fraud or moral turpitude.
- 7) Notwithstanding the aforesaid, the Company shall be entitled, at its sole discretion and at any time, to terminate the appointment (as member of the Committee) of any member and appoint a substitute thereof in order to fulfill the constitution of the IC.

# 5. Complaint Redressal Process

1) Any employee who feels she is being harassed directly or indirectly may submit preferably a specific six copies of written complaint in on the alleged incident with date, time, place and nature of the occurrence of the of the incident with action taken if any with her signature, within 10 days of occurrence of incident with supporting documents, with names and address of the witnesses. Any such complaint beyond 90 days will be treated as time barred as it may not reveal evidence to establish facts.

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- 2) Delayed complaint exceeding three months may be accepted by IC if such delay are for reasons beyond the control of the Aggrieved women and the IC if is satisfied of the circumstances which prevented the aggrieved women for filing the complaint. Complaints beyond this extended limit are not entertained for investigations.
- 3) IC will endeavor to complete the process of inquiry within 90 days from the time the complaint was received with proper quorum of minimum of 2/3rd of the members attending the Inquiry.
- 4) In the event of it not being able to be made in writing for reasons of practical difficulty or for reasons beyond control, the IC member who has received it can develop the complaint in writing and seek the signature of the complainant to endorse the facts.
- 5) The Committee will maintain a record to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- 6) The IC may frame the issues and prefer to issue a Show Cause Notice with specific issues framed for it to be issued to the defendant not later than 7 days.
- 7) The respondent need to file his reply to the complaint with necessary documents and names of witnesses and their address within 10 days of receipt of the complaint.
- 8) The IC will hold a meeting immediately but not later than fifteen days with the Complainant to make preliminary inquiry to investigate if there is a Prima- facie to go into merits of the case. In the event a compromise is reached through a conciliatory process and with consensus of all parties that to close the case as it does not fall within the purview of Sexual Harassment or in the event both parties and the IC feel of an consensus not to proceed further of the Inquiry it shall be concluded at this stage with recordings of the facts and drop further proceedings.
- 9) In the event the prima-facie exists to proceed with the inquiry, it shall take this for further inquiry to get into greater details and proceed with the inquiry in accordance with principles of Natural justice.
- 10) At the first meeting, the Committee members shall hear the Complainant and record her allegations and if need be to modify the same if required with more specific details. The Complainant can also submit any corroborative material with a documentary proof, verbal or written material, etc., to substantiate her complaint.
- 11) The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- 12) The decisions of the Committee shall be decided by the majority vote and in cases of division of votes equally, the Presiding Officer shall have a casting vote.
- 13) Thereafter, the person against whom complaint is made may be called for deposition before the Committee on the facts placed before the committee.
- 14) The IC shall have the right to terminate the Inquiry Ex-parte or give Ex-parte decision if the respondent or the complainant fails without sufficient cause fails to present herself/himself for three consecutive hearings to the Presiding officer. For any such ex-parte conclusion of the inquiry/decision 15 days' notice need to be given in advance.
- 15) No party is allowed to bring in any legal practitioner in the inquiry proceedings at any stage before the IC.

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16) The complainant and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 90 days of the receipt of the complaint.

17) The Report & findings of the Inquiry are to be sent to the Aggrieved Woman (Complainant) & the Respondent.

18) The IC will submit a combined preliminary report signed by all IC members to the AW & Respondent and seek for their comment which should be given within 7 days from the date of receipt. On receipt of the same and evaluation the PO can conclude their combined Report & Findings signed by all IC members to the company and forward a copy to the AW & Respondent.

19) In the event of the IC arrives at a conclusion that the allegations against the respondent has not been proved, it may recommend to the CEO for no action to be taken in the matter.

20) If the investigation reveals that the complainant has been sexually harassed as complained, the IC shall make suitable recommendations for punishment to the CEO for them to take suitable disciplinary action as deemed appropriate as per Service Rules and or standing orders of the company. It can also recommend suitable compensation to be paid to the complainant as deemed appropriate recoverable from the salary and wages of the respondent.

21) The AW can prefer an appeal against the Report & Finding within 90 days to the head of the Centre who shall be the appellate Authority on the Report & Findings of the Inquiry. An appeal exercised at any point of time after giving the first Report and findings of the Inquiry or the final report and Findings of the Inquiry is deemed as an appeal exercised under section 18 of the The Sexual Harassment of women (Prevention, Prohibition and Redressal) Act 2013 and rules thereunder.

22) All the parties in the Inquiry are expected to comply with the timelines set by the IC in order to facilitate IC to conduct the Inquiry as per the time line set by the Act.

23) The IC can make recommendations for certain practices to be followed in the organization either to modify the POSH Training to be imparted, display of Posters, circulars or following of certain practices in order to enhance the awareness of POSH in the company which the Organization will consider and will act appropriately.

## 6. Malafide Complaints

If the event the members of IC feel that during the investigations, it is revealed that the complaint or the witness is/are wrong and misleading and is unjustified, malicious and knowing that it is false or with ulterior motives, or has produced forged or misleading documents that contravenes the provisions of the POSH Act, may recommend such punishment as per Service Rules/Standing orders as deemed appropriate are liable for punishments as stated under the provisions of the Act.

### 6.1 Recommendations and Consequences

On completion of the Investigation, if the Respondent is found guilty of the offence of Sexual Harassment, can make a recommendation on:

- 1) The improvements to be made within the company to avoid such occurrence in future as recommended by the IC members.

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- 2) The IC on proper evaluation of offence committed, evaluation of the cost incurred by the AW evaluate on the quantum of the penalty based on the Inquiry findings Recommend on the penalty on its due evaluation as provided under the said Act.
- 3) Recommend on the punishment as said in the Act and as per Service Rules of the Organization.

## 6.2 Action on the Report of the IC

The Disciplinary Authority shall initiate action as deemed appropriate based on the report and recommendations submitted by the IC. There is no need for ordering fresh enquiry. The Disciplinary Authority should examine the report. After such examination, issue a show cause notice proposing the punishment in accordance with the Disciplinary Policy of the Company. After the receipt of response of the Respondent to the show cause notice or if the respondent fails to submit his reply to the show cause notice, the Disciplinary Authority shall pass order imposing the punishment. The Disciplinary shall complete the process against the employee within 60 days of the receipt of the recommendations of the IC.

The Respondent shall have a right of appeal to the Appellate Authority in accordance with the disciplinary policy of the company. If the disciplinary policy does not provide for appeal procedure the appeal shall be made to the next higher authority to the disciplinary authority. The appeal shall be preferred within 90 days of the recommendations of the IC to the Disciplinary Authority.

# 7. Organizing Workshops and Training

The company will organize the following workshops/training programs to enhance the awareness and manage to prevent Sexual Harassment at Workplace as under;

- 1) Organize General Awareness program for all employees.
- 2) Carry-out orientation programs/Seminars to the IC members and to enhance their capacity and skill building programs.
- 3) Use modules and programs for all managers in general to enhance the awareness and management of such issues in the organization to enhance and enforce gender equality and safe working atmosphere and remove factors that contribute to hostile working atmosphere for women in the company.
- 4) Declare the names and contact details of the members of IC.

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