

# Prevention of Sexual Harassment Policy

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## 1. Introduction

Estuate Software Pvt. Ltd. (hereafter referred to as “the Company”) firmly believes that every employee has a right to work in an environment free from harassing, intimidating or offensive behaviour and in which issues of harassment will be resolved without fear or revenge. The policy is designed to take effective measure to avoid and to eliminate and if necessary to impose punishment for any sexual harassment.

## 2. Scope and Effective Date

This Policy is Prevention of Sexual Harassment at the workplace and will be effective from 1st September 2022.

This policy shall apply to all permanent and temporary employees or contractors employed by the Company, Interns, Trainees, Students, Vendors and their personnel, contractors and their staff, Consultants, Partners, Clients

Outsiders: Official Guests, Official Visitors, External Facilitators who visit for facilitating trainings, workshops, Volunteers for the company’s programs. The policy is gender neutral.

No employee shall engage in Sexual Harassment. The policy is meant to serve as guidelines for the employees. Nothing contained in the policy shall be construed to confer any legal right on any employee.

## 3. Policy

Harassment in any form will not be permitted or tolerated or excused by the Company whether it is based on a person’s race, colour ethnic or national origin, gender, real or suspected sexual orientation, religion or perceived religious affiliation, disability or other personal characteristics.

The use of Company property including e-Mail, Bulletin Senior Managements or document as a vehicle for harassment is prohibited.

## 4. Definitions

“Aggrieved person” means in relation to a workplace, a person, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

“Respondent” means a person against whom the aggrieved person has made a complaint.

“Chairperson” means Chairperson of the Prevention of Sexual Harassment Committee appointed under this Policy.

“Company” means Estuate Software Pvt. Ltd.

“Employee” shall mean and include all employees, Contract Labour in the utilization of the Company, apprentices, trainees and consultants of the Company.

“Internal Committee” means Sexual Harassment Committee constituted under these Rules.

“Policy” means this Policy i.e. the Policy of Estuate for prevention of sexual harassment at work place.

## 5. Meaning of Sexual Harassment and Sexually Oriented Behavior

‘Sexual Harassment’, includes any unwelcome sexually determined behaviour, direct or by implication, and includes:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making Sexually coloured 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; or

The following circumstances, among other circumstances mentioned above, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment:

- a) implied or explicit promise of preferential treatment in employment; or
- b) implied or explicit threat of detrimental treatment in employment; or
- c) implied or explicit about present or future employment status; or
- d) interference with work or creating an intimidating or offensive or hostile work environment
- e) humiliating treatment likely to affect health or safety.

Sexually Oriented behaviour shall mean and include but not limited to the following:

1. Material that is sexual in nature, sexist, sexually explicit and so on and is displayed in the workplace, circulated, or put in someone's workspace or belongings, or on a computer or fax machine or on the Internet or any other public display system or public place in the work premises
2. Displays of sexually offensive material, such as emails, posters, pictures, graffiti, screen savers or text messages and other electronic postings/ communication and internet use
3. Verbal abuse or comments that put down people because of their sex.
4. Comments about persons bodies.
5. Tales of sexual exploits.
6. Graphic descriptions of pornography.
7. Pressure for dates.
8. Sexually explicit gestures.
9. Unwelcome touching and hugging
10. Sexist and insulting graffiti
11. Sexist jokes and cartoons
12. Obscene phone calls, text messages or emails
13. Displaying pornography in the workplace

14. Insisting that workers wear revealing clothing
15. Inappropriate gifts (for example, lingerie)
16. Discussion of one's partner's sexual inadequacies
17. Lewd and threatening letters/emails/text messages.
18. Brushing against sexual parts of the body.
19. Pressing or rubbing up against a person
20. Sexual or physical contact, such as slapping, kissing or touching
21. Sexual sneak attacks (such as grabbing private parts on the run)
22. Indecent exposure
23. Subtle or overt pressure for sexual favours
24. Soliciting or demanding sexual services
25. Demanding sexual services
26. Intrusive questions about sexual activity
27. Sexual assault
28. Sexual invitations when the person invited has refused/ignored similar invitations
29. Coerced sexual intercourse
30. Leering, wolf whistles, obscene gestures, jokes.
31. Comments or a conversation about a person's sex life or relationships;
32. Repeatedly asking for a date after the person has said "no"
33. Requests for sexual favours, or sexual advances with or without promises of benefit/ preferential treatment or punishment/ detrimental treatment explicitly or implicitly

"Sexual Harassment" should not be confused with simple friendly behaviour or with more intimate exchanges, if these are mutually desired and accepted. The difference between friendly behaviour and sexual harassment is that sexual harassment is neither solicited nor accepted by the recipient, it is unwelcome and/or imposed.

## 6. Rights and responsibilities of employee

Every Employee shall be entitled to a work environment free from Sexual Harassment.

Every Employee shall be entitled to complain against Sexually Oriented Behaviour to which he/she was subject to or which was targeted at him/her, to the Internal Committee or to the Chairperson or any other Member of the Internal Committee established under these Rules, as the case may be.

Every Employee shall promptly report any incident of Sexual Harassment that comes to his/her knowledge to the Internal Committee or to the Chairperson of the Internal Committee or to the Official designated by the Chairperson of the Internal Committee as the case may be.

## 7. Constitution of the Internal Committee

The Senior Management shall establish an Internal Committee to deal with Sexual harassment. The Internal Committee shall consist of five members.

One Female member to act as Chairperson of the Internal Committee. The other four members will be two male and two female members. The term of the office of Internal Committee is for a period

of one year and after the expiry of the said period the Company shall reconstitute the Internal Committee.

The Chairperson shall be a person who is associated and working with a Non-Governmental Organization or Institute that is engaged in the field of gender studies, equal opportunity, anti-gender discrimination, anti-sexual harassment movements, etc. or a practising professional like HR Consultant, Advocate or Doctor.

Mention Internal Committee members name: The names of the persons who are on the Internal Committee from time to time along with their contact telephone numbers and other details shall be displayed on the notice board of the company or on the Internal portal as the case may be.

## 8. Internal Committee Members

To report complaint, then email with detailed evidences should be to the Internal Committee members at [ICC@estuate.com](mailto:ICC@estuate.com).

Below are the details of the Internal Committee members:

Internal Committee 2024-2025			
S.No.	Name	Role	Email ID
1	Sowjanya N K	Presiding Officer	sowjanya.kempaiah@estuate.com
2	Ranjith Gowda	IC Member	ranjith.gowda@estuate.com
3	Raghavendra Kini	IC Member	raghavendra.kini@estuate.com
4	Rashmi M Y	IC Member	rashmi.yogesh@estuate.com
5	Jananee	External Consultant	-

## 9. Powers and Duties of the Committee

- 9.1 To ensure implementation of this policy.
- 9.2 To ensure and supervise proper constitution and functioning of the Internal Committee.
- 9.3 To organize regular workshop and training programmes.
- 9.4 To formulate programmes for the spread of awareness of the policy among the management.
- 9.5 To bring out publication concerning Sexual harassment and also concerning implementation of this policy.

## 10. Grievance Procedure

### 10.1 Self-resolution

- In many cases, directly informing the concerned person that their behaviour is causing distress, explaining why it is unwelcome and asking to stop it, will be sufficient. Often, the person is not aware that their behaviour is causing distress, and they will stop immediately once told.
- Victim should consider approaching the person or people involved to resolve your concern, by means of direct discussion, unless you feel uncomfortable with this approach.

### 10.2 Conciliation

1. The primary objective of conciliation is to permit the parties to resolve the dispute on their own, quickly and confidentially.
2. Both the complaining party or parties and accused must agree to conciliation.
3. At any stage during or upon the conclusion of the process, either party may decide to proceed with formal investigation.
4. Conciliation will be conducted in the presence of an HR professional and a committee member.
5. During the process, conciliators will contact no person other than the complainant and the accused.
6. The outcome of the conciliation and actions taken will also be recorded.
7. No monetary settlement shall be made as a basis of conciliation.
8. If the complaint is conciliated successfully, the panel will prepare a conciliation agreement presenting the agreed-upon terms.
9. The two parties must sign the agreement to indicate the dispute is fully and finally resolved.
10. If a party fails to comply with this agreement, the other party may seek the intervention of panel, and the agreement may be used in evidence in any subsequent complaints/ suit.

### 10.3 Make a complaint

1. Any employee will have a right to lodge a complaint concerning sexual harassment against an employee or an outsider with the Internal Committee.
2. Such a complaint may be oral or in writing.
3. If the Complaint is oral, the same shall be given in writing with the evidences in detail to the Internal Committee member to whom the complaint is made or send an email to the Committee ( [ICC@estuate.com](mailto:ICC@estuate.com) ), 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 last incident.
4. The Complainant will be afforded full confidentiality at this stage.
5. Immediately upon receipt of the written Complaint, with evidences and within not more than 3 working days, the Member of the Internal Committee to whom the Complaint is made shall communicate the same to the Chairperson of the Internal Committee.
6. Within a period of 7 working days from the date of such communication, the Chairperson shall convene a meeting of the Internal Committee.
7. The Internal Committee shall examine the complaint and shall undertake investigation of the complaint after giving opportunities to the complainant to present his/her case and the accused

to give his/her version. The Internal Committee may examine witness from both the sides and the other side will have opportunity to cross-examine the witness. Documents if any produced by the parties may be taken on record. The inquiry shall be completed within a period of 90 days. The Internal Committee may submit its report to the Management within a period of 10 days from the date of completion of the inquiry for further necessary action in the matter.

## 11. Protection against Victimization

In the event complainant being an employee and the accused being his/her manager, during the period of investigation and even after such investigation if the manager is found to be guilty, the accused shall not act as Manager of the Complainant.

## 12. Non-Retaliation

- No person who complains in good faith, or is party to a complaint in good faith, is a witness, is a committee member shall be retaliated against.
- They will not be coerced, intimidated, victimized in any manner such that they suffer an adverse employment/ contractual/ academic consequence.
- Any person retaliating against them (directly, ordering or aiding) will face disciplinary action by the company.
- However, the requirements of their job and rules and regulations of their job are still applicable to all complainants, witnesses, committee members.

## 13. Consequence of Compliant being Proved

In the event allegations made in the complaint are proved against the employee, it will be taken as proved misconduct and the competent authority may impose any of the punishment as envisaged in the policy on disciplinary process.

## 14. Punishment for false or malicious complaint and false evidence

1. Where the Internal Committee, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint, has made the complaint knowing it to be false or the aggrieved person 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 aggrieved person or the person who has made the complaint.
2. Allegations of Unacceptable Conduct such as discrimination, harassment, bullying and victimisation are serious matters and can potentially damage an individual's reputation.



3. If aggrieved person intentionally (or with malafide intent) make false allegations that a person has been unlawfully discriminating against, harassing, intimidating or victimizing another person, then aggrieved person may be defaming the respondent.
4. Intentionally false/ malafide accusations, allegations, evidence, witness that are found to be so will be viewed seriously and will result in the company taking disciplinary action.

## 15. Obligations of the Management

The Management of the Company shall provide all necessary assistance for the purpose of ensuring full effective and speedy implementation of this policy. Management shall be bound by the decision of the Internal Committee constituted as above and shall implement such decisions in an expeditious manner.

## 16. Duties of the Employer

Employer shall provide a safe working environment at the workplace.

Display at workplace:

- Organise workshops and awareness programmes at regular intervals for sensitising the employees and orientation programmes for the members of the Internal.
- Form Internal Committee and Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry.
- Assist in securing the attendance of respondent and witnesses before the Internal Committee.
- Provide assistance to the aggrieved person if, chooses to file a complaint in relation to the offence.
- Monitor the timely submission of reports by the Internal Committee.

## 17. Third Party Harassment

In case of third-party Sexual Harassment, the Internal Committee will actively assist and provide all its resources to the complainant in pursuing the complaint and ensure his/her safety at least in the company's premises.

## 18. Disclaimer

The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of civil or criminal law. The provisions of this policy shall not restrict the power of company or complainant to proceed against the alleged offender for any other misconduct or to pursue the criminal or civil remedies.

**The Company reserves an unconditional right to amend, abrogate, modify, and/or rescind the entire policy or any part of it at any time.**



## C O N T A C T   U S

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