



DCG DATA CORE SYSTEMS (INDIA) PRIVATE LIMITED
PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE POLICY

INTRODUCTION:

DCG Data Core Systems (India) Private Limited (hereinafter referred to as Data Core) deals with advanced analytics and data science. Data Science helps one to find the patterns in the existing data. Data Core's Advanced Analytics and Data Science services bring ideal and realistic solutions to complex business problems using the latest in data science techniques with exceptional business consulting skills. With its exceptional skill in data science Data Core has to deal with various people and here it would be pertinent to note that the Company is committed to providing a safe, non-discriminatory, non-hostile and harassment-free work environment that is free from any form of intimidation or harassment that is sexual in nature and to maintain a workplace where all the employees are considered equal and where the dignity of each employee is respected and protected. Data Core has zero tolerance to Sexual Harassment. Every employee must behave in such a way to keep the workplace free from any kind of Sexual Harassment. This Policy shall cover the process to investigate and redress Sexual Harassment complaints at the Workplace or Extended Workplace This Policy is gender neutral and is aimed to protect the interests of everyone.

This Policy does not cover:

1. Interactions or engagements in a personal capacity, even if it started or extended into the Workplace or Extended Workplace.
2. Any complaints that do not fall under the definition of Sexual Harassment.

1. POLICY STATEMENT

Data Core is committed to providing a secure and enabling work environment to all its employees and associates, a place of work that is gender sensitive and recognizes the role of men, women and the third gender as equal players, agents and leaders of change in their families, communities, workplace and society. The objectives of this policy are:

- (a) To espouse the cause of the right to equality and right to dignified livelihood;



(b) To foster a social, physical and psychological environment that will enable employees to work productively; and

(c) To strive for gender justice at both institutional and programmatic levels.

The present policy is not only compliant with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) and Rules 2013 but a step forward in recognizing and addressing vulnerabilities of all genders. To that extent, the policy is gender-neutral. The policy prohibits sexual harassment at the workplace.

Data Core strictly prohibits any form of discrimination or harassment against any employee, visitor, contract employee, or applicant for employment because of the individual's race, color, religion, gender, real or suspected sexual orientation, gender identity or expression, national origin, age, disability, status, or any other personal characteristic protected by law. Affirmative action will be taken to ensure that all decisions, including but not limited to those involving recruitment, hiring, promotion, training, compensation, benefits, transfer, discipline, and discharge, are free from unlawful discrimination. The use of company property including email, notice board, or document as a vehicle for harassment is strictly prohibited.

2. APPLICABILITY:

This Policy shall be applicable to Data Core (including subsidiaries, acquired entities and affiliate companies) referred to as "Company."

It covers-

- (i) employees, whether full-time, part-time, temporary, and contractual personnel, trainees, persons on probation and apprentices while on an engagement with the Company in India.
- (ii) customers, vendors and their employees, consultants, and anyone else doing business at the Company's Workplace or interactions arising from any work being carried out by or on behalf of the Company.
- (iii) anyone who is present in the Workplace such as candidates, visitors, guests, etc.

3. DEFINITIONS

The following definitions shall be used, understood and applied for this policy:

(1) Aggrieved Person: An “aggrieved person” in relation to a workplace is a person (woman/man/third gender) or group of persons of any age, who – (a) being an employee of Data Core, alleges to have been subjected to any act of sexual harassment by another person associated with Data Core through an employment/service contract or partnership agreement; (b) being an employee of Data Core alleges to have been subjected to any act of sexual harassment during tasks carried out in furtherance of the employment/service contract, by another person not associated with Data Core ; (c) not being an employee of Data Core , alleges to have been subjected to any act of sexual harassment by a person associated with Data Core under an employment/service contract or partnership agreement, in the course of performance of his/her duty.

Explanation: For the present policy, an aggrieved person doesn't have to be an employee of Data Core. The present policy includes and extends to any person/customer/client who is visiting the Foundation/interacting with the Data Core’s employees or partners for work-related purposes/reasons. Such a person can also claim protection under the present policy.

(2) Gender: Gender includes men, women and the third gender and refers to the social attributes and opportunities associated with being male, female or the third gender, as well as the relationships between and among them.

(3) Employee: An employee shall have the same meaning and import as assigned to it under Section 2(f) of the POSH Act, 2013 and is thus defined as – “a person employed at a 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, intern, volunteer or called by any other such name”

(4) ‘Aggrieved Employee’ means the person who alleges to have been subjected to any act of sexual harassment by the Respondent.

(5) Complainant’ means the person who files a complaint of workplace sexual harassment.

(6) ‘Respondent’ means a person against whom the Aggrieved Employee/ Complainant has filed a complaint of workplace sexual harassment.

(7) 'Employer' means:

- Head of the department, in case of a government establishment or organization;
- In other cases, it could be any person who is responsible for the management, supervision and control of the workplace.
- 'Management' includes the person or board or committee responsible for formulation and administration of policies of such organization;
- It could also be the person discharging contractual obligations with respect to his/her employees.

(8) 'Company' means Data Core and its subsidiaries/affiliates.

(9) "Workplace" means all the administrative locations of the Company and includes Extended Workplace such as any place visited by the employee of the Company or Company's entities arising out of, or during the course of employment (such as meetings at third party premises, offsite meetings and public venues), including transportation provided by the Company for undertaking such journey, Company-sponsored formal and informal team events, Company offsites, parking lots in the administrative locations, business conferences organized by the Company, airports and/or any other location and as provided under applicable laws and guidelines in each country but excludes any acts where the context turns personal. Workplace also includes all digital platforms of interaction where the employee represents the Company.

(10) 'Sexual Harassment' includes any one or more of the following unwelcome behaviour (whether directly or by implication) namely:

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

No Employee shall be subjected to sexual harassment at the Workplace. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour which is unwelcome and sexual in nature may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment; or

- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect health or safety of the Aggrieved Employee.

Sexual harassment in the workplace is generally of two distinct types.

(i) Quid Pro Quo (Conditional) sexual harassment

“Quid pro quo” sexual harassment means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behaviour or speech is made a condition for employment or preferential treatment in employment. This kind of sexual harassment also occurs when refusal to comply with a “request of sexual favor” is met with retaliatory action/threat such as dismissal, demotion, difficult working conditions, defamation, bodily injury etc.

(ii) Hostile working environment sexual harassment

Hostile working environment sexual harassment occurs where Employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behaviour from the Management or co-workers. This kind of behaviour makes the work environment of an Aggrieved Employee hostile. This is for the reason that such conduct creates an intimidating, offensive, oppressive, abusive or humiliating work environment and which is severe and pervasive enough to interfere with his/her ability to work and perform.

Explanation of the word ‘Unwelcome’

Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been unwelcome. In other words, the complaining/aggrieved Employee must have found the behaviour in question as offensive, repulsive, repugnant, humiliating, embarrassing etc. It is the impact and effect the behaviour or conduct has on the recipient, and whether such behaviour is ‘sexual’ in nature, that will define the behaviour as sexual harassment.

4. DUTIES OF THE EMPLOYER

The employer shall-

- (a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- (b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments: and the order constituting, the Internal Committee.

- (c) Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee.
- (d) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry.
- (e) Assist in securing the attendance of respondent and witnesses before the Internal Committee.
- (f) Make available such information to the Internal Committee as it may require having regard to the complaint so made.
- (g) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- (h) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved employee so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place
- (i) Treat sexual harassment as a misconduct under the service rules/POSH policy and initiate action for such misconduct;
- (j) Monitor the timely submission of reports by the Internal Committee.

5. INTERNAL COMMITTEE (IC) AND COMPLAINTS COMMITTEE (CC)

- **Complaints of sexual harassment made by female employees shall be dealt with by the Internal Committee (“IC”)**
- **Complaints of sexual harassment made by male employees and Others shall be dealt with by the Complaints Committee (“CC”).**

a. Composition of the IC:

The IC shall comprise the following members to be nominated by the Data Core’s Board of Directors/CEO through an official circular/notification in this regard:

- (i) A Presiding officer, who shall be a woman employed at a senior level from amongst the employees of the Foundation in the concerned work location;
- (ii) Two members from amongst employees other than those in a supervisory role and preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- (iii) Two external members from amongst non-governmental organizations or associations committed to the cause of women, or persons familiar with the issues relating to gender and/or sexual harassment.

Provided that at least one-half of the total members so nominated shall be women and all members of the ICC are persons of demonstrated credibility.

b. Powers and Functions of the IC:

(a) The ICC shall have the power to initiate conciliation at the request of the complainant or aggrieved person.

(b) In the absence of a request for conciliation or failure to arrive at a settlement through the conciliation process, the IC shall conduct an inquiry into complaints of sexual harassment at any workplace within its specified scope, as per the procedure laid down in the present policy.

(c) The IC shall be the body responsible for implementation of the present policy, with powers and functions that include, but are not limited to:

(i) receiving complaints regarding sexual harassment at workplace or any other violation of the present policy;

(ii) facilitating measures required for providing quick and responsive crisis management, counselling and mediation; ensuring services of translators, interpreters, special educators, support persons, and such other experts as may be required for inquiry;

(iv) convening meetings of the IC to arrive at a final decision pertaining to a complaint;

(v) passing necessary orders against the respondent; submitting to the Company every inquiry report with suitable recommendations for action; planning and conducting gender sensitization and awareness programmes on sexual harassment at workplace; development of awareness materials; seeking compliance on directions required to be followed by the employer; preparation of an annual report highlighting activities undertaken, number of complaints received, time taken for completion of inquiry, pendency and compliance of recommendations made or orders/directions passed.

(d) The IC shall receive a complaint and take action thereon, notwithstanding any civil or criminal complaint pending against the respondent under any other law in force on the same facts and circumstances as placed before the IC.

(e) to conclude an inquiry the IC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit, namely: (i) summoning and

enforcing the attendance of any person and examining them on oath; (ii) requiring the discovery and production of documents; and (iii) making available services of translators, interpreters, special educators, support persons and such other experts as may be required for the purposes of inquiry; taking evidence on record; and deciding on the nature and quantum of penalty and such other relief(s) that may be recommended for action.

c. Tenure and other terms and conditions of the Internal Committee:

- The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be agreed upon.
- Where the Presiding Officer or any Member of the Internal Committee
 - (a) breaches confidentiality by publishing, communicating or making known to the public, press and media in any manner any information related to the contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer
 - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/ her; or
 - (c) She/ he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against her/ him; or
 - (d) has so abused his/ her position as to render his/ her continuance in office prejudicial to the public interest, such **Presiding Officer or Member, as the case may be, shall be removed from the Internal Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination** in accordance with the provisions of this section.

d. **Complaints Committee (CC) shall be constituted in the same line for male or other members. It shall consist of one Presiding Officer, two internal members knowing law and sexual harassment issues, and an External Member who is to be an independent person appointed from an NGO working in this area or any person having knowledge in law and sexual harassment issues.**

e. The key functions of these committees (IC and CC) are to:

- ✓ Effectively address workplace sexual harassment complaints
- ✓ Ensure timely redressal of matters related to sexual harassment at the workplace.
- ✓ Maintain confidentiality and follow principles of natural justice

f. The names and contact details of the Internal Committee members shall be available on all office notice boards.

6. REDRESSAL PROCEDURE

6.1. Complaints: Where a complaint has to be made against the employer, the complainant shall make the complaint to the Local Committee (“LC”) as formulated by the deputy collector as a district officer (as provided under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013) (“**the Act**”). The district officer shall nominate members in accordance with the Act to formulate LCC.

A. For redressal of complaints made by a female member of Data Core:

- i. Complainant may submit a complaint in writing and inform any committee member.
- ii. Complaints must be made by the complainant to any of the Committee Members of the IC if constituted or to LC within 3 (three) months from the date of the incident.
- iii. The IC may by reasons to be recorded in writing, extend the time period for making a complaint to a further period of 3 (three) months;
- v. The complaint can be made by the female complainant or any other person on behalf of the complainant (as set out in the following manner):
 - a. In case of physical incapacity of the aggrieved woman, the complaint may be made by her relative, friend, co-worker, or an officer of the National Commission for Women or State Women’s Commission or any person who knows about the incident, with the written consent of the aggrieved women/complainant.

b. In case of mental incapacity of the aggrieved woman, a complaint may be filed by the relative/friend, special educator, psychologist, guardian, or authority under whose care she is receiving treatment or care or any person who knows about the incident.

vi. Complaints can be made in person/via phone/email/letter, to the Chairperson or any of the committee members. Any oral communication should be followed up with a written communication.

vii. If the employee is working outside the Data Core office i.e. in client place, she may also lodge a complaint with the committee members and she will report that to the committee member.

viii. In case it is found that any employee has lodged a false complaint, after the inquiry, the IC shall recommend Data Core to take action.

ix. Every employee who threatens or intimidates any person who has made complaint under this policy or any witness thereof shall be liable for disciplinary actions as per the rules of the Data Core.

Thus, if an employee experiences or witness sexual harassment in the workplace, she can complain within a period of three (3) months from the date of the incident, and in case of series of incident, within a period of three (3) months from the date of last incident, to:

a) any member of IC in writing

b) or send an e-mail (as mentioned in the notice board/poster) directly to the IC

Please note: For some offences if the Complainant desires and the IC deems fit, the matter shall be reported to the jurisdictional police.

B. For sexual harassment complaints made by male members and third gender employees of Data Core:

i. The male member must make a complaint to the CC within 3 (three) months from the date of the incident of sexual harassment.

ii. Due procedure of redressal will be followed uniformly irrespective of the position held by the person in Data Core.

The redressal procedure has been outlined in consideration with the applicable laws. These procedures are based on an overall process flow which is as given below:

6.2. Conciliation and informal complaint redressal procedure:

For female members:

- The IC shall meet within 2 (two) days of filing of the complaint, to examine the complaint made by the female member.
- At the start of initiating the inquiry, and at the request of the complainant, IC shall settle the matter between the complainant and the respondent/accused through conciliation.
- Such conciliation should in no case include any monetary settlement.
- The IC shall, in case of settlement, record and forward the same to the Management.
- The Management shall implement such recommendation and send a report of such recommendation within 15 (fifteen) days to the IC.
- Copies of such settlement shall be provided to the complainant and the respondent.
- On conciliatory settlement being attained, no further inquiry shall be conducted by the IC.

For male and third gender members:

- The CC shall meet within 2 (two) days of filing of the complaint to examine the complaint made by the male member.
- At the start of initiating the inquiry, and at the request of the complainant, CC shall settle the matter between the complainant and the respondent/accused through conciliation.
- Such conciliation should in no case include any monetary settlement.
- The CC shall, in case of settlement, record and forward the same to the Employer to take action as specified in the recommendation.
- A copy of the settlement shall also be provided to the complainant and the respondent

The IC/CC may, before initiating an inquiry, and *at the request of the Complainant* take steps to settle the matter between the Complainant and the Respondent through conciliation. Where a settlement is arrived at, no further inquiry shall be conducted by IC/CC, as the case may be. No monetary settlement shall be made in conciliation.

Important Note: Withdrawal of the complaint at any stage of the proceedings shall not preclude the IC/CC from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of or in the event there is evidence to indicate that such complaint is false/malicious.

6.3. Inquiry:

In the absence of request for conciliation or failure of conciliation process, the IC/CC shall formally investigate into the issue and prepare a report at the end of the investigation. The IC/CC for the purpose of its investigation would be entitled to elicit all forms of evidence, including access to written communication, witnesses, previous records, and all the Employees and the organization would co-operate in this regard.

For Female Members:

- i. On receipt of complaint the IC shall within a period of 7(seven) days send one copy of the complaint to the Respondent.
- ii. Upon receiving a formal complaint, the IC shall ask the Complainant to prepare a detailed statement of incidents if written complaint is sketchy. A statement of allegations will be drawn up by the IC and sent to the Respondent.
- iii. The Respondent shall, within a period of 10 (ten) days from the date of receipt of complaint from the IC, file his/her reply to the complaint along with his/her list of documents, names and addresses of witnesses.
- iv. The statements and other evidence obtained in the inquiry process will be considered confidential materials.
- v. The IC will organize verbal hearings with the Complainant and Respondent.
- vi. Statement of Complainant will be recorded first in the presence of the Respondent. Either of the parties may cross question the each other if there is a need to do so in the presence of the IC.
- vii. The IC will take its decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.
- viii. If either of the parties (Complainant or Respondent) being provided fair opportunity to participate in the inquiry and defend himself/herself fails to participate in the inquiry, for consecutive times without valid reason, the IC may conduct the inquiry ex-parte.

- ix. The IC will ensure confidentiality during the inquiry process.
- x. In the course of investigating any complaint of sexual harassment the principles of natural justice are adhered to namely:
 - Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents;
 - Upon completion of the investigation, both parties will be informed of the results of that investigation.
 - Documents which form part of the official record shall also be given to the Complainant and Respondent.
- xi. The IC shall be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that none of the parties to the complaint including witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment.
- xii. For the purpose of making an inquiry, the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908(5 of 1908) when trying a suit in respect of the following matters, namely: -
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents: and
 - (c) any other matter which may be prescribed.
- xiii. In the event, IC determines that sexual harassment has occurred, it will make appropriate recommendations as to necessary action to be instituted to remove the offensive conduct and, where appropriate, to institute disciplinary action.
- xiv. Given that Employer views any finding of sexual harassment a serious violation of human rights, if it is determined that inappropriate conduct has been committed by an employee, appropriate action will follow under the circumstances. Such action may range from counselling to termination from employment and may include such other forms of disciplinary action the Employer, deems appropriate under the circumstances. The Chairperson of the Committee will be guided by the Law and this POSH policy for disciplinary action within Data Core.
- xv. If the Respondent is guilty of serious Sexual Harassment or has repeatedly (second time) committed acts of Sexual Harassment, then he must be dismissed. In appropriate cases he may also be required to pay monetary compensation.
- xvi. The IC shall conclude the inquiry no later than 90 (ninety) working days from the date of receipt of the complaint.
- xvii. After hearing both individuals and any other concerned parties in the case and based on the investigation, the IC will prepare a report of findings, in writing, outlining the case, the investigation and the recommendations, no later than 10 (ten) working days from the date of conclusion of the inquiry.
- xviii. The employer shall act upon the recommendation within sixty days of its receipt by him

For sexual harassment complaints by male members and third gender members:

- i. In case no settlement is arrived at, the CC may summon and enforce the attendance of any person and examining him / her and require discovery and production of documents
- ii. The CC shall give an opportunity to complainant and respondent of being heard and make representations before the CC. The procedure followed by the IC in respect of female employees will be followed by CC for male and other employees.
- iii. The CC shall prepare its report and submit it to the Employer within 90 (ninety) days.

6.4. Interim relief: During the pendency of inquiry until the final report is prepared on the case, IC/CC may recommend the Employer to take certain interim measures to protect the Aggrieved Employee/Complainant and provide safe working environment such as:

- Transfer the Complainant or the Respondent to any other workplace; or
 - Grant leave to the Complainant up to a period of three months or until conclusion of the inquiry, whichever is earlier. The leave granted shall be in addition to the leave that the Complainant would otherwise be entitled as per the service rules of the Company; and
- (i) Not allow the Respondent to report on the performance of the Complainant;
 - (ii) Grant such other relief to the complaint as may be required.

The aggrieved person shall make a written request to the IC/CC for granting of interim relief during pendency of inquiry.

On the recommendation of the IC/CC, the Employer shall implement the recommendations made by the IC and send the report of such implementation to the IC.

During the pendency of inquiry of the male and other complainant:

- The CC may make its recommendations regarding interim reliefs to the Employer.
- The Employer shall make final decision on these recommendations and convey the same to CC, complainant and the respondent.

6.5. Final Decision: Where the IC arrives at a conclusion that the allegations against the Respondent have been proved, it shall recommend the following to the Employer:

- i. To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations and policy governing 'conduct and discipline' as applicable to the Respondent; and/or
- ii. To deduct such amount from the salary or wages of the Respondent as may be considered appropriate to be paid to the Complainant

False or Malicious Complaint: If an Employee has lodged a false complaint then action will be taken against him/her for such an act. This could include a warning notice or, suspension; it may also amount to termination Of Services.

6.6. Inquiry Report

- The IC/CC shall provide a report of its findings to the Employer within 10 (ten) days from date of completion of the inquiry.
- Where the IC/CC finds that no action is required to be taken, then it shall communicate the same to the Employer.
- Where the IC/CC concludes that the allegation made by the complainant is true, it shall recommend to the Employer:
 - i. To take action for sexual harassment as per the service rules or
 - ii. To deduct from the salary of the employee as it may consider appropriate to be paid to the aggrieved woman.
- Employer shall act within 60 (sixty) days of receipt of recommendation from the IC.

6.7. Disciplinary Actions and Compensation:

A. For sexual harassment complaints made by a female member

- ☐ Where the IC concludes that the allegations against the respondent have not been proved it shall recommend to the Employer that no action is required to be taken against the respondent.
- ☐ The nature and severity of the action against the accused will be in direct proportion to the seriousness of the offence. The IC, in case if it finds the allegations against the respondent to be true, shall recommend to the Employer to take actions against the respondent for the misconduct as it deems fit.

- ☐ To deduct from the salary / wages of the respondent such compensation as determined by it to be paid to the female member / complainant or her legal heir or direct the respondent to pay the amount.
- ☐ The compensation shall be determined by the IC keeping in mind the following:
 - i. Mental trauma, pain, suffering and emotional distress caused to the female member
 - ii. Loss to career opportunity due to the incident of sexual harassment
 - iii. Medical expenses incurred by the female member for physical or psychiatric treatment
 - iv. Income and financial status of the respondent
 - v. Feasibility of such payment in lump sum or in instalments
 - vi. Such disciplinary action shall include, but not be limited to the following:
 - i. A letter of warning that will be placed in the personal file
 - ii. Written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increments, undergoing counselling session, carrying out community services
 - iii. Immediate transfer/suspension with or without pay
 - iv. Dismissal/termination from the services of Data Core
 - v. Any other action that the Executive Committee may deem fit
- The Employer shall act upon the recommendations made by the IC within 60 (sixty) days of receipt.
- In case the Employer is unable to make such deduction from the respondent's salary / wages due to his being absent from duty or cessation of employment it may direct the respondent to pay such compensation to the female member.
- In case the respondent fails to make the payment as directed by the Employer then the IC may forward the order for recovery of sum as an arrear of land revenue to the concerned district officer.
- For complaints, which the IC considers to fall outside its jurisdiction, for e.g. offences of a criminal nature, the applicable laws of India shall apply.

B. For sexual harassment complaints made by a male or other member

- Where the CC arrives at a conclusion that the allegations against the respondent have not been proved it shall recommend to the Executive Committee that no action is required to be taken against the respondent.
- In case the CC comes to a finding that the allegation was false or malicious or the complainant has produced forged documents as evidence it shall conduct an inquiry against the complainant / witness and may recommend to the Employer the action to be taken against the complainant / witness.
- The Employer shall take a final decision on the recommendation made by the CC and shall implement it within 15 (fifteen) working days.
- In case the CC comes to a finding that the allegation against the respondent has been proved, it shall send its recommendation to the Employer.
- Appropriate action against the Respondent for such misconduct would include reprimand, written apology and / or termination of services without notice. The respondent will not be entitled to any compensation for the notice period.
- The Employer shall take a final decision on the recommendation and implement it within 30 (thirty) days of receipt of the recommendation from CC

6.7.Manner Of Taking Action Against the Complainant

If the IC or CC (as the case may be) believes that the complainant has knowingly made a false/malicious complaint, then it may recommend to the Employer to take action against the complainant.

6.8. Appeal

Any female aggrieved from the recommendations made by the IC or non-implementation of such recommendations may prefer an appeal to the appellate authority as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for female employees) Male and third gender may appeal to the Board of Directors.

The appeal shall be preferred within a period of ninety days of the recommendations.

7. CONFIDENTIALITY

Data Core understands that it is difficult for the Aggrieved Employee to come forward with a complaint of sexual harassment and recognizes the Aggrieved Employee's interest in keeping the matter confidential. To protect the interests of the Aggrieved Employee, the Respondent

and others who may report incidents of sexual harassment, or any person involved in the complaint either directly as witness or otherwise, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, breaches confidentiality by publishing, communicating or making known to the public, press and media in any manner any information related to the contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer that person shall be liable for penalty of sum of five thousand rupees by the Employer.

8. PROTECTION TO AGGRIEVED EMPLOYEE

Data Core is committed to ensuring that no Employee who brings forward a sexual harassment concern is subjected to any form of reprisal. Any reprisal will be subjected to disciplinary action. Data Core will ensure that the Aggrieved Employee or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subjected to disciplinary action.

9. ANNUAL REPORT

- The Internal Committee shall in each calendar year prepare an annual report and submit the same to the employer and the District Officer.
- The employer shall include in its report the number of cases filed, if any and their disposal under this Act in the annual report of his/ her organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.
- The annual report which the Complaints Committee shall prepare shall have the following details:
 - (a) number of complaints of sexual harassments received in the year
 - (b) number of complaints disposed of during the year
 - (c) number of cases pending for more than ninety days

- (d) number of workshops or awareness programme against sexual harassment carried out
- (e) nature of action taken by the employer.

10. DUTIES OF EMPLOYEES

All employees must understand that an allegation of sexual harassment or gender discrimination is a grave violation that will be taken up seriously and not tolerated. In addition to the Code of Conduct applicable to all employees, the following Do's and Don'ts must guide their actions and behaviour at all times:

Do's

- (i) Know the Foundation's "**Prevention of Sexual Harassment at Workplace Policy**" or the POSH Policy as it may be commonly referred to.
- (ii) Familiarize yourself with the provisions of various laws for protection of women and children and your rights and responsibilities under the civil and criminal laws applicable to all citizens. Be alert and ready to help if a person is seeking help.
- (iii) Be aware of one's own behaviour, particularly what may be perceived as inappropriate to a reasonable mind and avoid the same. Be aware of cultural sensitivities.
- (iv) Learn and internalize that it is wrong to assume that some people, particularly some women like being 'teased' and their "silence" or "no" means a "yes".

Don'ts

- (i) Say "NO" if asked to go to places, do things or participate in situations that make you uncomfortable. Trust your instincts. Walk away from uncomfortable situations. Say "NO" to offensive behaviour as soon as it occurs.
- (ii) Learn to report and encourage reporting as a norm. Understand that the way a woman or a person of the third gender dresses up does not make them deserving of sexual harassment.
- (iii) Understand that harassing women is not a proof of masculinity and make the same known to your colleagues, friends and family. Remember that an unwanted and abusive display of power can undermine the self confidence of a person and make them feel angry and resentful. Maintain confidentiality regarding any aspect of an inquiry to which they or a co-worker may be party to.
- (iv) Do not indulge in or encourage any of the following: (a) Verbal harassment: • Sexually suggestive comments or comments on physical attributes and appearance.

- Offensive language that insults or demeans a colleague, using terms of endearment.
- Singing or humming vulgar songs.
- Requests for sexual favours, sexual advances, coerced acts of a sexual nature.
- Requests for dates or repeated pressure for social contact.
- Discussing sexual activities, sexual prowess or intruding on the privacy of others.
- Sexually coloured propositions, insults or threats.
- (b) Non-verbal harassment:
 - Offensive gestures, staring, leering or whistling with the intention to discomfort another.
 - Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by others.
 - Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at one's workplace.
 - Showing or mailing pornographic posters, internet sites, cartoons, drawings.
 - Watching pornographic material during work hours in presence of another person, causing discomfort to others
 - Suggestive letters, phone calls, SMS, electronic instant messaging or e-mail messages.
- (c) Physical harassment:
 - Physical contact or advances.
 - Intentional touching of the body, e.g. hugs, kisses, brushing, fondling, pinching etc. that make others uncomfortable.
 - Any displays of affection that makes others uncomfortable or are inappropriate at the workplace.

This is only an indicative list of basic Do's and Don'ts and is in no way intended to be construed as an exhaustive list. Refrain from taking discriminatory actions or decisions which are contrary to the spirit of this policy. Refrain from trivialising harassment as a light hearted joke or teasing. Refrain from making false complaints or misusing the policy.

11. VIRTUAL SEXUAL HARASSMENT

Data Core has moved to a virtual workspace be it staying in touch via smartphones or web callings, etc. With this change in the work environment, the employees and managers must carry the professional code under POSH during all such virtual interactions as well. A few of the guidelines on virtual interaction are as below:-

Do's :

1. Proper Attire- Employees attending video conferences must be dressed appropriately.
2. Content of Conversation - Keep the conversation specific to work areas, projects, and deliverables.

Don'ts:



1. The background of the video call should be suitable. No poster with provocative content or any other inappropriate element should be visible during the video call.
2. No inappropriate jokes should be made.
3. Late night video calls to be avoided. If it is a business emergency, then the employee can attend it on “audio only mode”.

Enclosed:

1. Annexure A – Some examples of sexual harassment in the workplace.
2. Annexure B – Complaint form

ANNEXURE - A

SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE:

A. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions, MMS, SMS, Whatsapp or any other medium like social media, instant messaging platform or Applications etc.

B. Verbal Conduct:

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities/behaviours
- Comments about a person's physical attributes

- Spreading rumours about another person's sexual activities/conduct and/or partners
- Inappropriate questions, suggestions or remarks about a person's sex life
- Jokes which contain offensive, obscene or lewd content
- Sexual advances / Sexual propositions like threats, blackmailing around sexual favours
- Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit
- Sexual innuendo or double entendre
- Unwelcome social invitations with sexual overtones, commonly understood as flirting
- Persistently asking someone out despite being turned down

C. Written Conduct:

- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail
- Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail
- Persistently asking someone out despite being turn down via social media / instant messaging application/ e-mail etc.

D. Physical Conduct:

- Unwelcome touching
- Sexual Assault
- Kissing/Hugging / Fondling /Pinching / Groping
- Caressing someone against will (could be considered as assault)
- Coercing another person to participate in sexual intercourse or other sexual behaviours
- Impeding or blocking movements
- Invasion of personal space (getting too close for no reason, brushing against or cornering someone)
- Any physical interference with normal work or movement.
- Sexual gestures
- Stalking

E. Some examples of behaviour that constitute sexual harassment at workplace:

- Falsely accusing and undermining a person behind closed doors for sexual favors
- Controlling a person's reputation by rumour mongering about a person's private life

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

ANNEXURE – B

COMPLAINT FORM

1. Name:
2. Department (If applicable):
3. Employee ID (If applicable):
4. Date of filing the complaint:
5. Date and time of Sexual Harassment incident:
6. Venue of the incident:
7. Details of the Respondent (name, department etc.):
8. Nature of the sexual harassment/describe in brief (in case of series of incidents, kindly mention all the incidents along with its details):
9. Details of any supporting evidence (if applicable):
10. Details of the witnesses (if applicable):
11. Do you wish to opt for conciliation?
12. Do you wish to seek any interim relief till the matter is resolved?

(Kindly attach any evidence relevant to the complaint along with this complaint form)

