
POLICY ON PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE OF BLUEHOPE SOLUTIONS LIMITED

1. INTRODUCTION

We are committed in creating and maintaining a secure and safe work environment that enables our employees, agents, vendors and partners to work free from unwelcome, offensive and discriminatory sexual behavior and without fear of prejudice, gender bias and sexual harassment. We recognize the consequences of sexual harassment and that sexual harassment can subject individuals to fear, stress and anxiety.

In order to deal with sexual harassment at workplace we are implementing the Policy on Prevention and Redressal of Sexual Harassment ("**Policy**"). This Policy aims to prevent/prohibit, redress any incident of sexual harassment and enforce strong disciplinary action in case of any such occurrence. It defines sexual harassment and provides a framework to deal with complaints relating to sexual harassment at the workplace.

We are committed to ensure that sexual harassment instances and incidents can be reported without fear of reprisal or retaliation. We will investigate instances and complaints of sexual harassment promptly and discreetly. We will initiate disciplinary action as per the details provided in this Policy. This policy draws from the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013. Consequently, the complaint mechanism and reliefs as per this Policy are primarily focused on women. However, this policy aims to cover complaints by men as well and such complaints will be addressed in accordance with the provisions of this policy.

It is the responsibility of all those connected with the Company to comply with this Policy.

In this policy the use of the terms "we", "our", "Bluehope", "Company" or "us" refer to BLUEHOPE SOLUTIONS LIMITED, the public Indian company.

1.1 Objectives

The objectives of the Policy are:

- (a) provide work environment free from fear, reprisal, coercion, discrimination and harassment of sexual nature;
- (b) define sexual harassment and provide a clearly stated codified redress for any sexual harassment occurring at workplace;
- (c) enable all those working or associated with the Company or visiting the Company premises to raise their concerns and make complaints without any fear;
- (d) express zero tolerance to any sexual harassment at workplace through prevention, resolution and deterrence of acts of sexual harassment;
- (e) provide procedure for resolution, settlement or prosecution complaints of sexual harassment; and
- (f) conduct fair inquiry and reach reasonable decision in a timely manner.

1.2 Who does this Policy apply to?

The Policy applies to all those employed and associated with Bluehope irrespective of whether they are regular, temporary, ad-hoc or daily wage basis employees. The Policy also covers all contract workers, consultants, retainers, probationers, trainees, and apprentices or called by any other such name engaged by us whether the terms of their employment are expressed or implied. This Policy also applies to all vendors, contractors, customers, agents and suppliers who do business with us.

2. DEFINITIONS

- (a) **Aggrieved person:** Any person (employed, associated and visiting the Company) who complained of sexual harassment.
- (b) **Respondent:** Any person (employed, associated with Bluehope Solutions Limited) against whom Aggrieved Person has complained under this Policy.
- (c) **Sexual Harassment:** Includes one or more of the following unwelcome acts or behaviour (whether directly or by implication):

- (i) physical contact or advances (e.g. pushing, grabbing, jostling, touching the body and / or attempts to do so);
- (ii) demands and requests for sexual favours (e.g. unwanted sexual attention, forcing to spend time together);
- (iii) making sexually coloured remarks (e.g. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behaviour, comments about physical appearance, offensive comments abusive language);
- (iv) showing pornography (e.g. Display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video, and video games done personally and/ or via documents, or by telephone, cell-phone messages, web site communication, or emails); or
- (v) any other physical, verbal and non-verbal behaviour of sexual in nature (e.g. non-verbal communication such as staring, gestures of sexual nature, following the person, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumours about sexuality, gender and / or character of a person).

In addition to above definition, if there are following circumstances along with or apart from, it shall amount to sexual harassment (creation of hostile work environment).

Hostile Work Environment will include the following:

- i) direct or indirect promise of preferential (special) treatment in employment;
- ii) direct or indirect threat of detrimental (harmful / damaging) treatment in employment;
- iii) direct or indirect threat about present or future employment status; or
- iv) creation of conditions and situations that interfere with work or creation of an intimidating or offensive or work environment.
- v) humiliating treatment likely to affect health and / or safety of the Aggrieved Person.

- (d) **Workplace:** Includes all offices, factories and Sites of Bluehope and any place visited by the employee arising out of or during the course of their employment including transportation provided by the Company for undertaking such journey.

3. COMPLAINT MECHANISM

There will be an Internal Complaints Committee ("ICC") at the head office in Indore.

3.1 Composition of the Internal Complaints Committee (ICC)

Not less than half of the members of the ICC shall be women and the member of the ICC shall comprise of:

- (a) one presiding officer who shall be a senior level woman employee of the Company;
- (b) not less than two members from employees committed to the cause of women or who have experience in social work or have legal knowledge; and
- (c) one member from an NGO or association committed to the cause of women or a person who is familiar to issues relating to sexual harassment.

3.2 Tenure and quorum of ICC:

The members of ICC shall hold office for a period not exceeding 3 years from the date of nomination.

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the presiding officer of ICC, one member of ICC and the third party representative / NGO member.

4. COMPLAINT RESOLUTION

The Aggrieved Person should attempt to indicate to the person indulging in the sexually offensive behaviour that the behaviour is un-welcomed, and specifically requesting the Respondent to stop the behaviour. Where the Aggrieved Person feels that they cannot ask the Respondent to stop offensive behaviour, or in spite of having done the same, behaviour continues, they may ask for the behaviour to be dealt with under the grievance procedure.

It is important that the Aggrieved Person keeps a written record of dates, times, details of the conduct and witnesses, if any. Each complaint should at the minimum be specific as to:

- ☞ Nature of sexual harassment
- ☞ Identity of the person involved in the acts of sexual harassment
- ☞ Facts and circumstances in support of the complaint
- ☞ List of witnesses

The Aggrieved Person can inform and approach any member of ICC member with a written complaint, supporting documents and list of witnesses to csbluehope@gmail.com within period of 3 months from the date of the incident/s. In case the Aggrieved Person is not able to register complaint due to any physical incapacity, complaint can be registered with written consent from the Aggrieved Person either by relative, friend, colleague, an officer of the National Commission for Women or State Women's Commission or any other person who has knowledge of the incident.

In case the Aggrieved Person is not able to register complaint due to mental incapacity, complaint can be registered with written consent from either of the Aggrieved Person's relative, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the Aggrieved Person is receiving treatment or care, any person who has knowledge of the incident jointly with the Aggrieved Person's relative, friend, colleague, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the Aggrieved Person is receiving treatment or care.

Where the Aggrieved Person is dead, complaint can be filed by any person who has knowledge of the incident with written consent of the legal heir of the Aggrieved Person.

ICC may extend the time limit not exceeding 3 months by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the Aggrieved Person from filing the complaint during the period.

When the Complaint is received, it will be promptly investigated in a fair and expeditious manner by ICC in accordance with the Policy. In the event of a written complaint received by ICC, it shall look into the complaint within 10 working days of receipt of complaint. In case of receipt of the complaint by the Management and / or the Human Resources (HR) department / mechanisms and / or any other person in the Company; it shall be immediately handed over to ICC.

Irrespective of whether the Aggrieved Person opts to initiate criminal proceedings under the IPC, ICC shall be bound to initiate and conduct proceedings as laid out under this Policy. ICC will maintain a register / record to endorse the complaint received by it. The contents of the register shall be kept confidential and shared only for related purposes.

4.1 Conciliation

The purpose of ICC is to resolve/redress the complaint of the Aggrieved Person. Hence, the first step by ICC will be to make an attempt to resolve the raised issue through mutual discussion between the Aggrieved Person and the Respondent. The mutual discussion will be considered based on the gravity of misconduct as construed by the Aggrieved Person and their consent to the adopt conciliation process.

On the request of the Aggrieved Person, within 30 working days after the 1st meeting, ICC after making sure that the Aggrieved Person is not opting for conciliation under any force / threat will take steps towards settling the matter between the Aggrieved Person and the Respondent. This will be done through the process of separate and joint meetings. Conciliation will be completed within 50 days of initiation of the conciliation process. During the process of conciliation ICC will endeavor to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made basis of the conciliation.

ICC will record the terms of settlement acceptable to the Aggrieved Person and the Respondent and file a closure report with the HR department to take further action as recorded in the settlement. Copies of the settlement shall be provided to the Aggrieved Person and the Respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The Aggrieved Person will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to ICC.

Post the conciliation process, after the settlement is arrived, ICC will not do further enquiry in the complaint. Reasonable follow up shall be maintained with the Aggrieved Person by the HR department / ICC.

If the conciliation does not stop the behaviour and / or if any of the terms mentioned in the settlement are not complied with, ICC shall proceed to impose such disciplinary action as it deems fit.

4.2 Formal Complaint Resolution Procedure

Where it is proposed to hold an inquiry against the Respondent, ICC with the help of HR department shall draw up a formal charge sheet containing the definite and distinct articles of charge which shall include:

- (a) Statement of all relevant facts including copy of the complaint; and
- (b) Supporting documents by which and / or a list of witnesses by whom the article of charge are proposed to be sustained.

ICC shall hand over the statement of charges to the Respondent within 7 working days of its receipt and give the Respondent an opportunity to submit a written explanation within 10 days of receipt of the complaint. ICC shall have right to terminate inquiry proceedings or pass ex-parte decisions if the Aggrieved Person or the Respondent, without sufficient cause, fail to present themselves before ICC for three consecutive hearings convened by ICC. Such decision can be taken by ICC by giving notice of 15 days in advance.

4.3 Steps during Inquiry

- (a) ICC will organize a meeting with the Aggrieved Person to enquire into the matter and intimate date, time, and place of enquiry to all relevant persons.
- (b) At the commencement of the inquiry ICC members will explain to the Aggrieved Person and the Respondent the procedure which will be followed for the inquiry. The inquiry shall be conducted in line with the principles of natural justice.
- (c) At the first meeting, ICC members shall hear the Aggrieved Person and record the complaint. The Aggrieved Person can also submit any corroborative material with a documentary proof, oral or written material to substantiate the complaint.
- (d) Thereafter the Respondent shall be called for a deposition before ICC and an opportunity will be given to him / her to give an explanation. It shall be recorded by the Committee.
- (e) The Aggrieved Person shall be provided with a copy of the written explanation submitted by the Respondent.
- (f) If the Aggrieved Person or the Respondent desires any witness or witnesses to be called, they shall communicate the names of such witness in writing to ICC. The Committee shall call upon witnesses mentioned by both the parties after ascertaining their relevance to the case.

- (g) If the Aggrieved Person and Respondent desire to tender any documents by way of evidence before ICC, they shall supply original scanned/photocopy copies of such documents. Both shall affix their signature on the respective documents to certify these to be original copies.
- (h) ICC will provide every reasonable opportunity to the Aggrieved Person and to the Respondent, for putting forward and defending their respective cases in the best possible way via examination of witnesses and cross examination.
- (i) ICC would be free to obtain/summon/enforce through the HR department and or from the concerned department such information in the form of written communication, witnesses, previous records, and data of the concerned / relevant employees which may be helpful for the inquiry. All employees of Bluehope should cooperate with ICC in this regard. ICC can request external persons significant to the complaint to appear before it. ICC will have the right to ask any of the employees, vendors, contractors, agents, suppliers, consultants, retainers, probationers, trainees, apprentices or any such persons to appear before it.
- (j) Respect of all the persons involved and confidentiality would be maintained throughout the inquiry. Likewise the Aggrieved Person as well as the persons going through the process of an inquiry must maintain confidentiality of the matter.
- (k) The venue of the inquiry should as far as practicable and be as per the convenience of the Aggrieved Person.
- (l) The inquiry shall be conducted in the language understood by the Aggrieved Person and the Respondent but the same would be recorded in the official language i.e. English.
- (m) All proceedings of ICC will be recorded in writing. ICC and individuals shall endorse their respective statements as token of authenticity. In case of refusal to endorse the same by either party the endorsement shall be made by the presiding officer with appropriate remarks.
- (n) The conciliation process and inquiry will be done simultaneously and will be completed within 90 days. During the inquiry ICC may give directions relating to procedure that, in its opinion, will reduce the delay and will help to achieve a prompt hearing of the complaint.
- (o) ICC shall forward a copy of the findings of the inquiry to the HR department for further action.

- (q) ICC shall share a copy of the findings of the inquiry with the Aggrieved Person and the Respondent.
- (r) ICC shall keep complete and accurate documentation of the complaint, its inquiry and the decision thereof. The incident would be documented in both the Aggrieved Person and the Respondent's files with the full report of ICC.
- (s) The Management shall implement the interim recommendations of ICC and send a report of the implementation to ICC.
- (t) In the event, the complaint does not fall under the purview of sexual harassment; the same would be dropped by ICC after recording the reasons thereof.
- (u) At any stage of the inquiry legal practitioners shall not be allowed to represent for any of the parties before ICC.
- (v) During the inquiry, a minimum of three members of ICC including the Presiding Officer shall be present.

4.4 Interim Recommendations by ICC

During the pendency of an inquiry, ICC may recommend to the Management:

- (i) transfer either the Aggrieved Person or the Respondent;
- (ii) grant leave to the Aggrieved Person (this leave would be in addition to the one is they are already entitled);
- (iii) restrain the Respondent from reporting on the work performance or confidential report of the Aggrieved Person and assign the same to another officer;
- (iv) restrain the transfer of the Aggrieved Person to any other place if she does not opt for such transfer;
- (v) issue a restraint order to warn the Respondent that any attempt on his part, or by person(s) acting on his behalf, to contact or influence, or intimidate, or exert pressure on the complainant or witnesses may prove prejudicial to his case; and
- (vi) person charged with sexual harassment to be kept away from work or sent on transfer till the time such enquiry is completed to avoid tampering of documents, pressure on the witnesses and the Aggrieved Person.

ICC will recommend the above mentioned after considering and determining the totality of the circumstances.

4.5 **Final Recommendations by ICC**

If the charges are proved against the Respondent, the ICC may make the following recommendations to the Management:

- (a) Initiate disciplinary action against the Respondent in accordance with the policy of the company including this Policy.
- (b) Deduction of sum from salary or wages of the Respondent as it may consider appropriate to be paid to the Aggrieved Person. In case deduction from salary / wages is not possible due to absence or cessation from employment, Respondent can be directed to pay the amount to the Aggrieved Person.

4.6 **Determination of damages**

The determination of damages shall be based on the following factors:

- (i) Mental trauma, pain, suffering and emotional distress caused to the Aggrieved Person;
- (ii) Loss in career opportunity due to incident of sexual harassment; and
- (iii) Medical expenses incurred by the Aggrieved Person for physical and psychiatric treatment.

In addition to the above mentioned points income and financial status of the Respondent and feasibility to pay in lump-sum or installments shall be taken into account.

The Management shall act upon the final recommendations of ICC within 60 days of its receipt.

In all situations, behaviour of the Respondent will be strictly monitored by ICC and by the HR department during the post inquiry phase. The above disciplinary mechanism would be used judiciously to ensure fair and healthy working environment within the organization and keep up the high morale of the employees.

5. **DISCIPLINARY ACTION**

The disciplinary action shall be recommended by ICC and will be imposed by the management based on severity of harassment and its impact on the Aggrieved Person. It could be either one or combined actions as given below:

- (a) written apology;
- (b) warning and taking a written bond of good conduct;
- (c) reprimand or censure;
- (d) withhold promotion till such period mentioned;
- (e) withhold pay rise or increments of pay till such period mentioned;
- (f) termination from service;
- (g) undergo counseling session;
- (h) perform Community service;
- (i) compel the Respondent to pay a reasonable amount of compensation to the complainant. Deduction of sum from salary or wages of the Respondent as it may be considered appropriate by the Management to be paid to the Aggrieved Person. In case deduction from salary / wages is not possible due to absence or cessation from employment, Respondent can be directed to pay the amount to the Aggrieved Person; and
- (j) where an outsider is the perpetrator in addition to assisting the Aggrieved Person to initiate action under the IPC or any other law for the time being in force, the Management shall also pass and implement necessary orders restricting the perpetrator's entry into the premises and forewarn them of criminal/legal action in case any trauma or threat is caused to the Aggrieved Person.

6. **APPEALS**

In case of any decision by ICC is not acceptable to the Aggrieved Person or Respondent, they shall be given an opportunity to represent the case to ICC in-person and the same shall be recorded. The decision arrived at thereafter by the presiding officer of ICC shall be final and binding to both and shall be implemented by HR. They could further appeal to a court or tribunal as per the law within a period of 90 days.

7. FALSE AND MALICIOUS COMPLAINTS

The Company is strongly opposed to misuse of this Policy. Therefore both Aggrieved Person and the Respondent must be prepared to go through a fair process of inquiry by ICC.

In case ICC comes to a conclusion that complaint is found to be done and supported with malicious intent by the Aggrieved Person and witnesses respectively, done and supported knowing that it is false or if the Aggrieved Person and / or witnesses produced forged or misleading evidence/documents, ICC will recommend suitable action to the Management to prevent recurrence and others are deterred from raising complaints in bad faith. The Aggrieved Person and / or witnesses will be liable for appropriate disciplinary action by the Management.

However mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an inquiry by the Management as per the code of conduct of the Company before any action is recommended against them.

8. MANAGEMENT RESPONSIBILITIES

It is the responsibility of the management to:

- (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 harassment; and the order constituting ICC;
- (c) declare names and contact details of all members of ICC;
- (d) organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the 2013 Act and orientation/capacity building programs for the members of ICC;
- (e) provide necessary facilities to ICC for dealing with the complaint and conducting an inquiry;
- (f) assist in securing the attendance of Respondent and witnesses before ICC and make available such information to ICC in context of the complaint;

- (g) provide assistance and initiate action to the Aggrieved Person if they so choose to file a complaint against the Respondent in relation to the offence under the IPC or any other law for the time being in force;
- (h) treat sexual harassment as misconduct under the code of conduct and initiate action for such misconduct;
- (i) monitor the timely submission of annual reports by ICC to the Management; and
- (j) on the recommendations of ICC and the HR department, the management will seek appropriate expert advice and arrange for help and support for the Aggrieved Person in the form of counseling and / or medical attention.

9. **NO RETALIATION**

There is zero tolerance to retaliation against the Aggrieved Person and all others who report such misconduct. Any act of retaliation should be reported to the Management. Appropriate steps will be taken to ensure that retaliation will not be done against any complainant or person who, in good faith, has participated in or provided information pertaining to incident/s of sexual harassment, regardless of whether the complaint was upheld. Individuals engaging in retaliatory conduct will be subject to disciplinary action by the Management.

10. **CONFIDENTIALITY**

Publication, communication or information to public and media in any manner contents of the complaint, identity and addresses of the Aggrieved Person, Respondent and witnesses, information related to conciliation or inquiry proceedings, recommendations by ICC, and action taken by the employer shall not be done and shall be treated as confidential. Information may be disseminated regarding justice to Aggrieved Persons under this Policy without disclosing name, address, identity, or any other particulars leading to identification of the persons involved.

The company shall recover a sum of five thousand rupees as penalty from any person who violates the confidentiality obligation under this policy, apart from other disciplinary actions.

11. **YOUR RESPONSIBILITY**

You must ensure that you read, understand and comply with this Policy at all times.

12. CONCLUSION

It shall be our constant effort to prevent sexual harassment and create conducive work environment. We are committed to the implementation of the objectives of this Policy, of procedures laid down, to the training and awareness of all employees.

This Policy is subject to modifications periodically as per changing times and needs of the organization and/or change in law.
