

Anti Harassment Policy

Confidentiality Statement

The policies, procedures and standard practices described in this manual are for the said process only at SG Analytics (**from here on termed as 'SGA'**) and do not extend or imply to any other SGA entity. Information in this document represents guidelines only. SGA reserves the right to modify this document, amend or terminate any policies, procedures, or employee benefit programmes whether or not described in this document at any time, or to require and/or increase contributions toward these programs.

All policies contained herein have been adopted by SGA and supersede previous policies. We periodically review policies, in part or as a whole, to ensure that they continue to reflect current thinking of the organisation and are consistent with trends and legal requirements.

© 2016 SG Analytics Pvt. Ltd. All rights reserved.
Property of SG Analytics Pvt. Ltd.

No Part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying or recording, for any purpose, without the express written consent of SG Analytics Pvt. Ltd.

Document Summary

Document Reference #	SGA_PO_Anti Harassment Policy_v1.0
Author	Sandeep Datta
Reviewed By	Rohit Kalghatgi
Approved By	Sandeep Datta
Owner	Sandeep Datta
Document Type	Policy
Document Status	Approved
Document Circulation	Confidential Internal
Document View Level	Internal
Release Date	13-12-2016

Revision History

Version	Date (DD-MM-YYYY)	Author (Designation: Name)	Changes (Short Description)	Remarks
v1.0	13-12-2016	Head- Human Resource & Administration Sandeep Datta	-	Initial Document

Content

1.	Introduction	5
1.1	Objective	5
1.2	Scope	5
1.3	Glossary of Terms	5
2.	Responsibility	5
3.	Policy	6
3.1	Definition of harassment	6
3.2	Internal Complaints Committee	6
3.3	Complaints committee	6
4.	Action	9
5.	Awareness	9
6.	False Accusation	9
7.	Miscellaneous	10
8.	Confidentiality	10
9.	Access to reports and documents	11
10.	Protection to complainant / victim	11
11.	Conclusion	11

1. Introduction

1.1 Objective

SGA is committed to create and maintain a secure work environment where its employees, interns, contractors and vendors can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation but not limited to the office premises and other locations directly related to SGA.

SGA is committed to provide a work environment that ensures every individual is treated with dignity and respect and afforded equitable treatment. SGA will not tolerate any form of harassment- sexual / asexual and is committed to take all necessary steps to ensure that individuals are not subjected to any form of harassment.

1.2 Scope

1. This policy applies to employees, interns, contractors and vendors at the SGA's workplace. SGA encourages every individual who believes they are harassed to use the redressal mechanism as provided in this policy
2. The workplace includes:
 - a. All offices or other premises where the SGA's business is conducted
 - b. All SGA-related activities performed at any other site away from the SGA's premises
 - c. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations
3. Harassment as addressed in this policy need not necessarily be from a male to a female individual, it can be vice versa as well as between individuals of same gender

1.3 Glossary of Terms

Terms	Description
ICC	Internal Complaints Committee
Individual	Employees, interns, contractors and vendors of SGA
HR	Human Resource
SGA	SG Analytics Pvt. Ltd.

2. Responsibility

1. Head of HR would be responsible for verifying the effectiveness of the process and its revision whenever required
2. Individuals at SGA have a personal responsibility to ensure that their behavior is not contrary to this policy
3. Individuals at SGA are encouraged to reinforce the maintenance of a work environment free from harassment of any form and ensure dignity, respect of an individual

3. Policy

3.1 Definition of harassment

Harassment may be one or a series of incidents involving unsolicited and unwelcome advances, requests for favors, preferential treatment or any other verbal or physical conduct of sexual nature.

Harassment at the workplace may consist of , but not limited to, any of the following:

1. any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions, is made as a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment
2. demand or request for favours,
3. any other type of conduct that causes discomfort,
4. consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day to day dealings
5. verbal abuse or 'jokes' or 'joking' or 'mild banter' that is sexist in nature directed at the employee or within his/her audible distance,
6. actual sexual assault
7. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions

3.2 Internal Complaints Committee

Every complaint received shall be forwarded to Internal Complaint Committee (ICC) formed under the policy for redressal. The investigation shall be carried out by ICC constituted for this purpose.

Internal Complaints Committee		
Sr.no:	Name of the members	Membership
1	Ms. Smitha Saju	Chairperson
2	Adv. Neha Abhaynkar	Legal Council
3	Ms. Jyoti Huria	Employee
4	Mr. Sandeep Datta	Employee
5	Mr. Rohit Kalghatgi	Employee

3.3 Complaints committee

Any individual may make, in writing, a complaint of harassment at workplace to the committee giving details of the harassment meted out to her / him within a period of 45 days from the date of incident and in case of a series of incidents, within a period of 45 days from the date of last incident, which may be extended for a further period of 45 days, if

circumstances warrant such extension in the opinion of the ICC. An individual can write to the committee member via email to AH@sganalytics.com.

1. Any member of the ICC can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so
2. On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. ICC shall follow principle of natural justice while handling such complaints
3. The Complaints Committee is responsible for:
 - a. Investigating every formal written or verbal complaint of harassment
 - b. Taking appropriate remedial measures to respond to any substantiated allegations of harassment
 - c. Discouraging and preventing employment-related harassment
4. a. Where the individual is unable to make a complaint on account of their physical incapacity, a complaint may be filed by:
 - a relative or friend; or
 - a co-worker; or
 - an officer of the National Commission for Women or State Women's Commission; or
 - any person who has knowledge of the incident, with the written consent of the employee.

b. Where the individual is unable to make a complaint on account of their mental incapacity, a complaint may be filed by:

 - relative or friend; or
 - special educator' or
 - a qualified psychiatrist or psychologist; or
 - the guardian or authority under whose care they are receiving treatment or care; or
 - any person who has knowledge of the incident jointly with any of the above.

c. Where the individual for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent

d. Where the individual is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir
5. ICC on receipt of such written complaint, may, if require ask the individual to furnish additional information about the alleged harassment

6. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the ICC through following mode:
 - a. Copy of complaint along with supporting documents and names and address of witness shall be sent to ICC
 - b. On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days
 - c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
 - d. ICC shall investigate in detail into the matter of the complaint. ICC shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary
 - e. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause
 - f. ICC must complete its investigation within a period 90 days
 - g. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC
 - h. For conducting the enquiry the quorum of the ICC shall be of 3 members including the Chairperson
7. ICC may before initiating an inquiry, and at the employee's request, attempt to settle the matter through conciliation. However, ICC shall ensure that:
 - a. Monetary settlement will not be made as a basis of conciliation
 - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the ICC
8. ICC may, during such investigation, exercise the power of a civil court, vested in it, in respect of:
 - a. summoning and enforcing the attendance of any person and examining him under oath;
 - b. requiring discovery and production of documents;
 - c. any other prescribed matter.
9. During such enquiry, upon written request by the individual, the committee may at its discretion recommend:
 - a. to transfer the individual or the respondent to any other workplace;
 - b. grant leave to the individual of up to three months which is in addition to leave to which she / he is otherwise entitled.

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

4. Action

1. The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties
2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter
3. If ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
 - a. Take action for harassment as misconduct
 - b. To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent
 - c. To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the employee or to their legal heirs, as it may determine
4. Such action will be taken within 60 days of the receipt of report

5. Awareness

1. All the employees, interns, contractors, vendors and visitors shall have access to this policy at any given point of time and clarification related to this policy shall be addressed by the HR team
2. A brief shall be given to all existing employees regarding the features of this policy immediately on formulation of the policy and to new employees in SGA during their initial induction
3. SGA shall comply with all other details as set out under Section 19 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ; to ensure that all employees are provided with the safe working environment at the workplace
4. SGA shall display the notice showing the name of ICC members at its every establishment at a conspicuous place

6. False Accusation

1. The complaint of harassment made by any individual shall be taken up with utmost seriousness by SGA. However, there shall be zero tolerance for any false accusation
2. If ICC comes to a conclusion that the allegation was made with malicious intent or the individual or any other person making the complaint on behalf of the employee produced false or forged or misleading documents to prove his / her case, the ICC may recommend

action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the ICC concludes, that he / she has given false evidence or produced forged or misleading documents

3. It is to be noted that this statement is not intended to discourage individual from coming forward with any complaints. We recognize and expect that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Harassment. These types of complaints will not be considered to be false accusations

7. Miscellaneous

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

8. Confidentiality

SGA understands that it is difficult for the victim to come forward with a complaint of harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

9. Access to reports and documents

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the SGA except where disclosure is required under disciplinary or other remedial processes.

10. Protection to complainant / victim

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

11. Conclusion

In conclusion, SGA reiterates its commitment to providing its individual, a workplace free from harassment / discrimination and where every individual is treated with dignity and respect.

Complaints relating to harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of SGA shall be final and binding on all. However, the same is without prejudice to any recourse that SGA or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and / or SGA to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.