



Prevention Of Sexual Harassment at Workplace Policy

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Review: This document shall be reviewed once a year or at the time of any major change in the existing environment affecting policies and procedures, whichever is earlier.

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Purpose & Objectives

- 1.1 **Parkar Global Technologies Private Limited** (hereinafter referred to as “**Parkar**” or “**Company**”) follows the philosophy of respecting the dignity of all individuals and providing equal opportunities to everyone at the Workplace. Sexual Harassment at the Workplace is an affront to, and seriously undermines the dignity of the victim and can potentially vitiate the work environment. Such conduct is, therefore, wholly incompatible and irreconcilable with the policy of Company to provide a work environment which is safe, positive, secure, and happy, free of harassment of any kind including sexual harassment, intimidation, insult, prejudice, and bias / discrimination based on any physical / mental or other bodily impairment, gender, race, religion, caste, culture, nationality or any other personal attribute or characteristic.
- 1.2 The instant policy is formulated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the ‘**SH Act**’) along with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the ‘**SH Rules**’).
- 1.3 The instant Policy defines the implications and outcome of sexual harassment at the Workplace and the objective of Company is to prevent and prohibit sexual harassment at the Workplace and if it does occur, then to provide appropriate redressal in accordance with the law. The procedure and mechanism of complaint redressal has been detailed in this Policy. It is imperative in this regard that all Employees of Company are aware and sensitized about sexual harassment at the Workplace. Company also provides protection against victimization / reprisal of and retaliation against the complainants, witnesses, committee members and other Employees involved in prevention and complaint resolution processes.
- 1.4 Company practices zero tolerance with regard to sexual harassment and therefore any act of sexual harassment, in any form, (or related, direct or indirect retaliation resulting from complaints thereof) against any Employee (full time and contractual), candidate, customer, contractor, consultant, supplier or client (or vice versa) shall be treated as a direct violation of this policy entailing consequences as stipulated hereunder and/or in accordance with applicable law, in this regard.
- 1.5 All rights to modify, update and amend this policy or any part of it are reserved with the Company.
- 1.6 Company will notify this policy to all Employees each time it is updated / amended / modified and make a copy available with the HR Department for ready reference for all Employees at all times.

Applicability

- Company, being progressive in its approach has made this policy applicable to all genders - Male, Female and Transgender.
- This policy is applicable to the Employer as well as all the Employees of Company.

- 1.7 An **‘Employer’** at Company would mean any person on Company’s Board of Directors and/or any person responsible for the management, supervision and control of the Workplace or part thereof and responsible for discharging contractual obligations with respect to the Employees.

Provided further that the personnel covered by the term ‘Employer’ defined supra shall also be treated as Employees (defined infra) wherever the context so requires for the purpose of compliance with the instant policy.

- 1.8 An **‘Employee’** of Company would include all personnel employed for any work whether on full time / part time / permanent / temporary / ad hoc / 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, contractor, contract worker, consultant, sub-recipient, probationer, trainee, apprentice, intern, volunteer, fellow, individuals seconded to Company and anyone working on behalf of or representing Company at the Workplace, in the field and/or at outstation sites (hereinafter collectively referred to as the ‘Employees’).

- 1.9 This policy will also be applicable to all affiliates, clients, suppliers, visitors and/or any other business / professional Employees of Company wherein it is emphasized that Company will not tolerate any incidents of sexual harassment perpetrated by such other / Third Parties.

- 1.10 Workplace, as used herein, means, and includes Company’s office space; any premises where Company conducts business; and:

- a) All spaces or locations where work-related activities take place including, but not limited to, conferences, seminars, camps, and meetings held and/or work performed at any other site away from the office premises.
- b) Any social, business, or other event where the conduct or comments of an Employee of Company or a contractor, vendor, consultant, business Employee of Company may impact the work environment, professional relationships and/or reputation of Company and its Employees.
- c) All travel undertaken in connection with any official purposes including travel to and from the Workplace and/or any offsite location.

- 1.11 Social events which are not organized by the Company and are not covered under 2.6 b) above, are excluded from the ambit of the policy. However, all Employees are expected to maintain an appropriate standard of behavior and conduct themselves in a decent, cordial, and courteous manner at all times.

Further, in the event that an incident of sexual harassment transpires at such events, then the same may be treated as misconduct and disciplinary proceedings can be instituted against such person in accordance with the Service Rules.

- 1.12 An **‘Aggrieved Individual’** shall mean to include a person, whether or not an Employee of Company, who files a complaint of sexual harassment at the Workplace.

- 1.13 A **‘Respondent’** shall mean the person against whom a complaint of sexual harassment has been lodged.

Definition of Sexual Harassment

- 1.14 Sexual Harassment at the Workplace is one or a series of incidents involving unwelcome conduct including but not limited to the following:

- a) Any physical contact or advance which is sexual in nature and/or makes a person feel uncomfortable in any manner.
- b) Any language or advance (verbal, non-verbal, written, or physical) which is abusive, sexual in nature and/or makes a person feel uncomfortable in any manner.
- c) Any direct, indirect, or implied demand or request for sexual contact, or any such expression of an interest in the same.
- d) Making sexually colored remarks.
- e) Showing pornography.
- f) Any other type of unwelcome verbal, non-verbal, written, or physical conduct of sexual nature; and
- g) Non-verbal or verbal conduct or ‘making jokes’ that are gender-based or of sexual nature.

- 1.15 Sexual Harassment may emanate from any one person to another, regardless of position, employment status and/or title. Acts of sexual harassment may include inter alia but not be limited to, the following instances:

- a) Any of the above-mentioned acts (Clause 3.1).
- b) Any of the above-mentioned acts (Clause 3.1) when done / committed after offering of an implied or explicit promise of preferential treatment in one’s employment or generally in connection of one’s work, threat of detrimental treatment in one’s employment (current and future) or generally in connection of one’s work, etc.
- c) Suggesting implicitly or explicitly that a condition of employment, including but not limited to hiring, firing, promotion, performance appraisal, payment of performance linked incentive or bonus, grant of a project/assignment/ fund(s) for specific work(s) would be based on the Employee’s agreement to have sexual contact/ provide sexual favors.
- d) Touching, close physical proximity while standing or sitting, assaulting, causing injury, isolation, impeding / blocking movement, leaning over or across, stalking, making sounds which have explicit and/or implicit sexual connotation / overtone, molestation, etc.

- e) Asking sexually oriented questions, cracking jokes with sexual connotations and making seemingly harmless innuendoes, using 'colorful' language, comments about one's body or clothes, conversations with double meaning and sexual innuendoes, marring personal / professional reputation through rumors / gossip / ridicule, persistent invitations, etc.
- f) Making sexually colored remarks including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, instant messages, emails, gestures, social media updates etc.
- g) Staring at a person or parts of his / her body and making suggestive body movements and / or gestures.
- h) Displaying sexually explicit pictures or objects which embarrass or humiliate Employees in a work area.
- i) Verbal and non-verbal communication which offends the individual's sensibilities and affects his/her performance and has a sexual nature / connotation / overtone.
- j) 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 making submission/non-submission to such conduct as either an explicit or implicit term/condition of employment and/or submission or rejection of the conduct if used as a basis for making work-related decisions.

Based not on Intent but on Perception

It is important to understand that perception takes precedence over the intent. Even though the intent of certain conduct may not be Sexual Harassment and/or to create a hostile or uncomfortable work environment, however, it may still constitute Sexual Harassment based on how the same is perceived by the recipient and/or other affected persons who is/are person(s) covered by this Policy.

The Applicable Law

- 1.16 The SH Act and SH Rules mandate that all Employers will maintain a work environment free of sexual harassment of women at the Workplace, prohibit sexual harassment of women at the workplace and provide for redressal of complaints of aggrieved women.
- 1.17 The SH Act and SH Rules are only applicable to complaints of sexual harassment at the workplace lodged by aggrieved women. The instant policy is gender neutral. Complaints of Sexual Harassment at the workplace can be lodged by male and/or transgender Employee(s), under this policy.

- 1.18 With regard to allegations of sexual harassment by any third parties, vendors, visitors, consultants, contractors, fellows, contract workers, clients, etc. who are either male or transgender, against Company Employees whether or not at the workplace or at Company sponsored / organized events, Company will initiate appropriate disciplinary proceedings as in the case of any other misconduct, in accordance with service rules.

Positive Obligations of Employees

- 1.19 All Employees should know and understand the laws and the policy of Company and must ensure that their behavior is not in violation of the instant policy.
- 1.20 All Employees shall strive towards the maintenance of a friendly, congenial, welcoming work environment free from all kinds of sexual harassment and/or related retaliation.
- 1.21 All senior Employees should monitor their respective work areas and regularly counsel and educate their team members to create awareness regarding Sexual Harassment as well as gender sensitivity.
- 1.22 Employees must contact any of the members of the Internal Complaints Committee (hereinafter “ICC”) as soon as they are made aware of any conduct that could possibly be considered as Sexual Harassment.
- 1.23 Subject to reporting of the incident, all Employees and ICC members are under an obligation to maintain confidentiality with regard to any alleged incident of Sexual Harassment that they may come across and/or deal with.

Internal Complaints Committee

- 1.24 Company has constituted an Internal Complaints Committee (“ICC”) comprising of the following members, for enquiring into and for the redressal of sexual harassment complaints. In accordance with the SH Act, not less than one half of the members appointed shall be women.

1. Zara Morghade - Presiding Officer	zmorghade@Parkar.digital
2. Namita Chaudhari - Member	nchaudhari@parkar.digital
3. Prosenjit Das - Member	pdas@parkar.digital
4. Chaula Patel – External person	chaulap@yahoo.com

You can e-mail the details of the complaint at speakup@Parkar.digital or ethics@Parkar.digital

- 1.25 The members of the ICC shall not hold office for a period exceeding three years from the date of their appointment. The company may at its discretion choose to reconstitute the ICC at any time prior to the expiry of such term and/or to nominate afresh the same members upon expiry of their original term.

Complaints

- 1.26 If an Aggrieved Individual believes that they have been subjected to Sexual Harassment, the Company encourages such an Aggrieved Individual to file a written complaint with the ICC. The complaint shall contain details of circumstances giving rise to the complaint, the date of alleged occurrences, names of witnesses, if any and shall be signed by the Aggrieved Individual. At the time of filing the complaint, the Aggrieved Individual shall submit 6 (Six) copies of the complaint along with supporting documents and the names and addresses of the witnesses to the ICC.
- 1.27 The written complaint with the aforementioned particulars may be submitted physically to any ICC member or electronically by the Aggrieved Individual within a period of 3 (Three) months from the date of the incident and in case of a series of incidents, within a period of 3 (Three) months from the date of the last incident. However, the ICC reserves the right to extend the aforementioned time period further by not more 3 (Three) months if it is satisfied that the circumstances were such which prevented the Aggrieved Individual from filing a complaint within the aforementioned period. Such reasons for extension in time should be recorded in writing by the ICC.

Conciliation

- 1.28 Prior to initiating an inquiry into the complaint made, the ICC may, at the Aggrieved Individual's request, take steps to settle the matter before the Aggrieved Individual and Respondent through conciliation. However, no monetary settlement shall be made as a basis of such conciliation.
- 1.29 In the event that a settlement has been reached, the ICC shall record the settlement so arrived and forward the same to one of the directors of the Company, to act as specified in the recommendation.
- 1.30 The ICC shall also provide the copies of the settlement as recorded to the Aggrieved Individual and the Respondent. Once a settlement is arrived at no further inquiry shall be conducted by the ICC, however, the Aggrieved Individual can further refer the same to the ICC for redressal if the terms of settlement have not been complied with.

Inquiry Process

- 1.31 The ICC is required to make an inquiry into the complaint filed by the Aggrieved Individual in accordance with the principles of natural justice. In conducting the inquiry, a minimum of 3 (Three) members of the ICC including the Presiding Officer/the Chairperson are required to be present.
- 1.32 The inquiry process has been set out below:

- a) On receipt of the complaint, the ICC shall send one of the copies received from the Aggrieved Individual to the Respondent within a period of 7 (Seven) working days.
- b) The Respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding 10 (Ten) working days from the date of receipt of the said documents.
- c) The inquiry has to be completed within a period of 90 (ninety) days from the receipt of the complaint from the Aggrieved Individual.
- d) Upon completion of the inquiry, the ICC shall prepare a report of findings based on the complaint received by it and submit it to one of the directors of the Company within a period of 10 (Ten) days from the date of completion of the inquiry and such report be made available to the concerned parties.
- e) The Company is required to act on the recommendations of the ICC within 60 (Sixty) days of its receipt.
- f) Appeal against the decision of the committee is allowed within 90 (Ninety) days from the date of recommendations.

Interim Relief

- 1.33 During the pendency of an inquiry, on a written request made by the Aggrieved Individual, the ICC may recommend to one of the directors of the Company to take the following interim measures:
- a) transfer the Aggrieved Individual or the Respondent to any other workplace.
 - b) grant leave to the Aggrieved Individual up to a period of 3 (Three) months.
 - c) restrain the Respondent from reporting on the work performance of the Aggrieved Individual or writing his/her confidential report, and assign the same to another employee of the Company; or
 - d) grant such other relief to the Aggrieved Individual as it may deem fit.
- 1.34 The leave granted to the Aggrieved Individual, as an interim relief, shall be in addition to the leave she would be otherwise entitled.

Punishment & Compensation

- 1.35 If the ICC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to one of the directors of the Company no action is required to be taken in the matter. However, if the ICC is of the opinion that the allegation against the Respondent has been proved, it shall recommend to one of the directors of the Company:
- a) to act for Sexual Harassment as a misconduct including a written apology, counselling, written warning to the perpetrator (with a copy maintained in the relevant employee's file), reprimand or censure, transfer, withholding of pay rise or increments and/or promotion, transfer, community service, suspension or termination depending upon the severity of the incident of Sexual Harassment.

- b) to deduct from the salary of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Individual.

Malicious Complaints

- 1.36 This policy shall not be used by Aggrieved Individuals for raising false or malicious complaints.
- 1.37 If the ICC arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Individual has made the complaint knowing it to be false or the Aggrieved Individual has produced any forged or misleading document, the ICC may recommend that disciplinary action be taken against such Aggrieved Individual as indicated in paragraph 12.1(a) of this policy.

Protection of the Aggrieved Individual

- 1.38 The Company recognizes the sensitivity attached to matters pertaining to Sexual Harassment and the importance of ensuring that the complaint and connected information is kept confidential. Therefore, to protect the interests of the Aggrieved Individual, confidentiality will be maintained throughout the investigatory process to the extent practicable.
- 1.39 The Company will provide security to the Aggrieved Individual if such a need is felt and take necessary action against any employees attempting to intimidate such Aggrieved Individuals. This will help instill confidence in other employees to come forward if they believe they have been subjected to Sexual Harassment.
- 1.40 The penal consequences of Sexual Harassment and the order constituting the ICC will be displayed at conspicuous places in the Workplace (including the places the Employees of the Company frequent to) to help strengthen this, Policy.