

## **GRIEVANCE REDRESSAL POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE ("POLICY")**

### **INTRODUCTION**

Sexual harassment at the workplace results in violation of the fundamental rights of a woman:

- to equality under Articles 14 and 15 of the Constitution of India;
- to life and to live with dignity under article 21 of the Constitution; and
- to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women

This version of the policy is effective from 18-12-2024 and supersedes all prior policies and communication on this matter. This policy has been framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and rules framed thereunder (hereinafter "**the Act**"). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

### **SCOPE**

This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company in India. Local laws will take precedence over this policy, in other geographies, if applicable. Any subsequent amendment/ modification in the statutory provisions shall automatically apply to this Policy.

### **DEFINITIONS**

**Sexual Harassment:** The following acts will be considered as sexual harassment, which is generally defined as an unwelcome sexual gesture or behaviour whether directly or indirectly as

- i. Sexually colored remarks;
- ii. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and / or implicit sexual connotation / overtones, molestations;
- iii. Showing pornography, making or posing vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other material through email, SMS, MMS, gestures etc.;
- iv. A demand or request for sexual favors;
- v. Any other unwelcome physical, verbal/non-verbal conduct being sexual in nature;
- vi. Unsolicited telephone calls / e-mails with the intention of sexual harassment;
- vii. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will;

- viii. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit;
- ix. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person;
- x. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes; and
- xi. Giving gifts or leaving objects that are sexually suggestive.

If the following circumstances exist in relation to any behaviour, that is, if any act is done under the following circumstances that would also count as sexual harassment:

- i. Implied or explicit promise of preferential treatment in employment;
- ii. Implied or explicit threat of detrimental treatment in employment;
- iii. Implied or explicit threat about the present or future employment status; or
- iv. Creating a hostile work environment.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

**Aggrieved woman:** In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

**Complainant:** Any aggrieved woman who makes a complaint alleging sexual harassment under this policy

**Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy

**Employee:** A person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.

**Special Educator:** A special educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

**Workplace:**

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company.
- Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

**Employer:** A person responsible for management, supervision and control of the workplace

**Redressal Mechanism:** Formal Intervention in compliance with the Act, any complaint under this policy shall be followed by a formal redressal mechanism as described in this Policy.

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## **INTERNAL COMPLAINTS COMMITTEE (“COMMITTEE”)**

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, the Committee has been appointed for all administrative units/offices of the Company. The detail of the committee is notified to all covered persons at the location (workplace).

The committee at each location comprises of:

1. **Presiding Officer:** A woman employed at a senior level in the organization or workplace;
2. At least **2 members from amongst employees**, committed to the cause of women or who have had experience of social work or have legal knowledge;
3. **One external member** from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment;
4. At least **one half** of the total members nominated being **women**.

The Internal Complaints Committee will be responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries
4. Coordinating with the employer in implementation appropriate action
5. Maintaining strict confidentiality throughout the process as per established guidelines
6. Submitting annual reports in the prescribed format.

## **COMMITTEE MEMBERS**

Internal Complaint Committees have been formulated for all locations/divisions.

**Composition of the Internal Complaints Committee:** The Internal Complaints Committee is comprised of the following members:

Sl. No.	Name	Designation	Email ID
1.	Sandhya K	Presiding Officer	sandhya.kizhakkera@indiqube.com
2.	Muskan Bamnia	Member	muskan.bamnia@indiqube.com
3.	Hema Prashant Kapikad	Member	hema.prashant@indiqube.com
4.	Venkatesh Kumar M	Member	venkatesh.murugesan@indiqube.com
5.	Deepak Dadhich	Member	deepak.dadhich@indiqube.com
6.	Vishal Mathad	Member	vishal.mathad@indiqube.com

## **RECEIVING A COMPLAINT**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed, and it requires tact and discretion while receiving the complaint.

The following points are to be kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
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- Situations are not to be pre-judged. Written notes are to be taken while listening to the person. When taking notes, complainants' own words, where possible, are to be used accurately. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

Care must be taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

### **RESOLUTION PROCEDURE THROUGH CONCILIATION**

Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

No monetary settlement can be made as a basis of conciliation. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation is to happen within 2 weeks of receipt of complaint.

The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

### **RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY**

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman;
- Conciliation has not resulted in any settlement; and
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

### **MANNER AND PROCEDURE OF INQUIRY INTO COMPLAINT**

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
  - The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
  - At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
  - The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
  - Upon receipt of the complaint, the committee will send one copy of the complaint to Respondent within 7 working days of receiving the complaint.
  - Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
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- Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice.
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present.
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof. If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party. Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

#### **INTERIM RELIEF**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace;
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled;
- Prevent the respondent from assessing complainant's work performance;
- Grant such other relief as may be appropriate;

Once the recommendations of interim relief are implemented, the same is informed to the committee.

#### **TERMINATION OF INQUIRY**

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Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 days written notice is to be given to the party, before termination of enquiry or ex-parte order.

#### **ACTION TO BE TAKEN AFTER INQUIRY**

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

##### **Complaint unsubstantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.

##### **Complaint substantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counselling;
- ii. Censure or reprimand;
- iii. Apology to be tendered by respondent;
- iv. Written warning;
- iv. Withholding promotion and/or increments;
- v. Suspension;
- vi. Termination;
- vii. Any other action that the employer may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

#### **PENAL CONSEQUENCES OF SEXUAL HARASSMENT**

In case the Committee finds the degree of offence coverable under the Bharatiya Nyaya Sanhita, 2023 then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a police complaint. Under the Bharatiya Nyaya Sanhita, 2023, section 75 which deals with Sexual Harassment imposes a punishment ranging from rigorous imprisonment for a term, extending to three years or fine or with both to a punishment of imprisonment of either description for a term extending to one year, or fine, or with both, for offences such as making sexually coloured remarks.

#### **MALICIOUS ALLEGATIONS**

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Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

### **CONFIDENTIALITY**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

### **APPEAL**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the court or tribunal under Section 18 of the Act within 90 days of the recommendations being communicated.

### **AWARENESS**

Awareness sessions are to be organized to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Carry out orientation programs and seminars for the Members of the Committee.
- Conduct capacity building and skill building programs for the Members of the Committee.
- Declare the names and contact details of all the Members of the Committee.
- Use modules developed by the state governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

### **PROTECTION TO COMPLAINANT**

- The Company is committed to ensuring that no Employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim 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 and / or produces any forged or misleading document) will be subject to applicable disciplinary action.
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## **LEGAL COMPLIANCE**

The Committee shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- number of complaints of Sexual Harassment received in the year;
- number of complaints disposed of during the year;
- number of cases pending for more than 90 days;
- number of workshops or awareness program against Sexual Harassment carried out;
- nature of action taken by the employer or District Officer.

## **LIMITATION AND AMENDMENT**

In the event of any conflict between the provisions of this Policy and of the Act or any other statutory enactments, rules, the provisions of such Act or statutory enactments, rules shall prevail over this Policy. Any subsequent amendment / modification in the Act and/or applicable laws in this regard shall automatically apply to this Policy.

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