

GLUHEND INDIA PRIVATE LIMITED
POLICY ON PREVENTION OF SEXUAL HARRASSMENT OF WOMEN AT WORKPLACE

Introduction

This policy has been framed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules framed thereunder. The purpose of the policy is to create and maintain safe working environment, free from sexual harassment & discrimination for all its women employees.

Gluhend India Private Limited (GIPL) maintains a policy of zero tolerance against any kind of Sexual Harassment or discrimination caused by any employee during their tenure in GIPL towards any women being an employee, Client, Vendor and Contractor in Company premises or elsewhere in India or abroad.

Applicability

All employees of GIPL at all locations.

Definitions:

1. **Act and rules** - refers to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules framed thereunder
2. **Employee** – means a person employed by GIPL for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor, with or, without knowledge, 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 or called by any other such name.
2. **Sexual Harassment** – includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: —
 - (i) physical contact and advances; or
 - (ii) a demand or request for sexual favours; or
 - (iii) making sexually coloured remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
3. **Aggrieved Woman** – includes a woman of any age whether employed or not by GIPL, who alleges to have been subjected to any act of sexual harassment by the respondent.
4. **Employer** - means any person responsible for the management, supervision and control of GIPL, including person or board or committee responsible for formulation and administration of its corporate policies.
5. **Respondent** - means an employee against whom the aggrieved woman has made a complaint.

Policy Guidelines

The company by this policy ensures that no woman be subject to any instance of Sexual Harassment at its premises.

Also, for prevention of any such instances, the following circumstances, among other, connected with any act or behaviour of sexual harassment against any women, would also amount to sexual harassment: —

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

Grievance Resolution Mechanism

a) Procedure to Register Complaints

A complaint by any aggrieved women shall be submitted in writing to – compliance.gluhend@gmail.com or to any member of the Internal Committee mentioned herein either personally or through mail, within 3 months of occurrence of an act of Sexual Harassment.

If the complaint is against a direct supervisor of the complainant, or person influencing the career growth of the complainant, the reporting structure will be changed till the time the enquiry is completed.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent:

- Legal heir,
- relative or friend
- Co-worker
- Any person having the knowledge of the incident.

Internal Complaints Committee (ICC)

Each complaint of Sexual Harassment shall be dealt with utmost confidentiality and urgency by an ICC consisting of the following as nominated by the Employer:

- I. Presiding Officer, who would be a woman employed at a senior level
- II. At least 2 Members – From amongst the employees
- III. 1 External Member, either from an NGO or lawyer or a social worker or person familiar with cases of sexual harassment.

Also, the composition of the ICC should be such that one-half of ICC members should be women. The present constituent members of the ICC is provided in **Annexure – 1**.

The Presiding Officer or the Members of the committee would not hold office of ICC for a period not more than three years from the date of their nomination by the employer.

b) Conducting Inquiry

Within 5 working days, ICC shall commence a formal Internal Inquiry and the following are the immediate actions that ICC would commence as part of its Inquiry:

- I. By informing the said complaint to the respondent asking an immediate explanation from him to the same
- II. By instructing to stop the alleged act of Sexual Harassment immediately

III. By informing not to reach out to the complainant directly or indirectly

The respondent shall file his reply within 10 working days along with the relevant documents, list and address of witnesses from receipt of the original complaint by ICC.

c) Inquiry Procedure

ICC shall make an inquiry into the complaint in accordance with the principles of natural justice. A minimum of 3 members, including the Presiding Officer, to be present while conducting the inquiry.

Employees are duty bound to assist in investigative steps and their wholehearted participation shall be mandatory in this regard. Whistle-blowers shall be protected from exposure, retaliation or hostility.

The ICC would record and accordingly communicate in writing to the Complainant and the Respondent, its prima facie findings, upon giving the concerned parties a fair and due opportunity to represent themselves and upon conducting fact finding, truth verification and counselling sessions with persons involved in alleged act(s).

d) 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

e) Actions to be taken after Inquiry

A complaint will be closed not later than 90 days from receipt of original complaint by recording the decisions of the ICC, accordingly informing to the complainant and the respondent of the same.

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

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.

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 but not limited to:

- Warning with or without a written apology from offender
- Bond of good behaviour
- Transfer
- Debarring from supervisory duties
- Denial of employee benefits like increments/promotion/salary advances etc.
- Suspension
- Dismissal

Malicious Complaints

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 have produced any forged or misleading document, it may recommend to the employer to act against the woman or the person making the complaint.

The disciplinary action recommended would be similar to the ones proposed above, i.e. in cases where the allegation is proved.

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. The Annual reports as well as all documents regarding Sexual Harassment complaints shall be in the custody of designated person, as the committee may appoint, and will be termed as 'Strictly Confidential'.

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

Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

Duties of employer

Every employer shall—

- (a) provide a safe working environment at the workplace with 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 ICC;
- (c) organise workshops and awareness programmes at regular intervals for sensitising the employees and orientation programmes for the members of the ICC;
- (d) provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the ICC;
- (f) 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.

Annual report

The ICC shall prepare an annual report in each calendar year and submit the same to the Employer and the District officer concerned, the format of the same is provided as **Annexure – 2**.

Chairman