

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

M/s SP Institute of Workforce Development
Private Limited

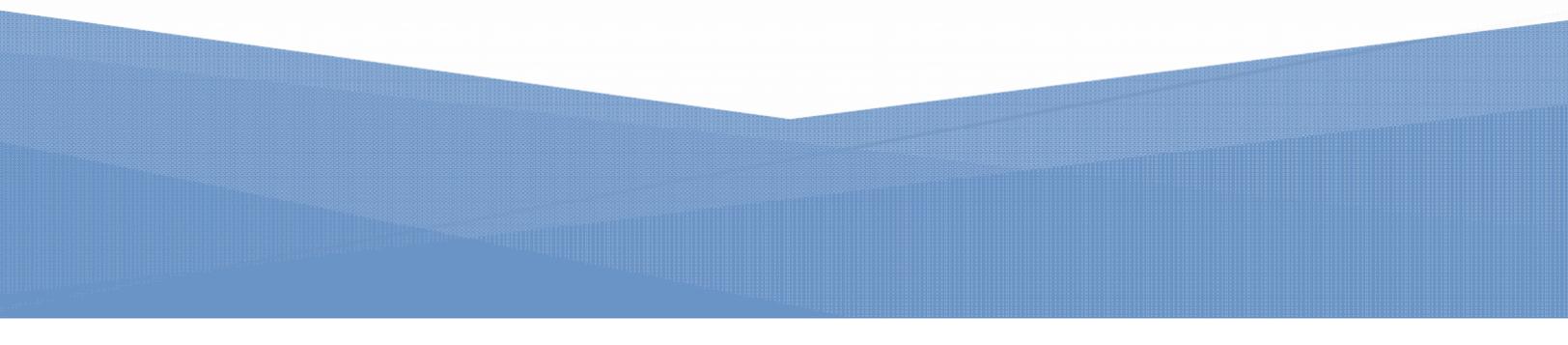


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POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

M/s SP Institute of Workforce Development Private Limited (hereinafter referred to as “SPIWD” or “Company” or “Firm” or “Organization” is committed in ensuring that all employees are treated fairly and equitably in an environment free of intimidation and Sexual Harassment (“SH”). Sexual Harassment is an unacceptable form of behavior which will not be tolerated under any circumstances. The ‘Policy on Prevention of Sexual Harassment at Workplace’ intends to provide protection against sexual harassment at workplace as well as lay down the guidelines for the prevention and redressal of complaints of sexual harassment and matters related to it. This policy and the guidelines specified herein have been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” (hereinafter “Act”) and rules framed thereunder.

A. Definitions

- 1) “**Employee/s**” refers to any person who is an employee of the Company, whether temporary, permanent or contractual. Everyone who is executing any duty towards the Company, is covered under the scope of definition of employees.

- 2) “**Sexual Harassment**” (“SH”) comprises of any unwanted, unwelcome or uninvited behavior of a sexual nature which makes a person feel humiliated, intimidated, uncomfortable or offended. SH in the workplace includes:
 - physical contact and advances of either a physical or non-physical nature,
 - sexual demand or request for sexual favors,
 - sexually colored remarks,
 - showing/watching pornography or,
 - any other physical, verbal or non-verbal conduct of sexual nature or
 - any other act of sexual naturewhich ultimately leads to creating a hostile working environment.

- 3) “**Victim**” in relation to a workplace can be a person of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment.

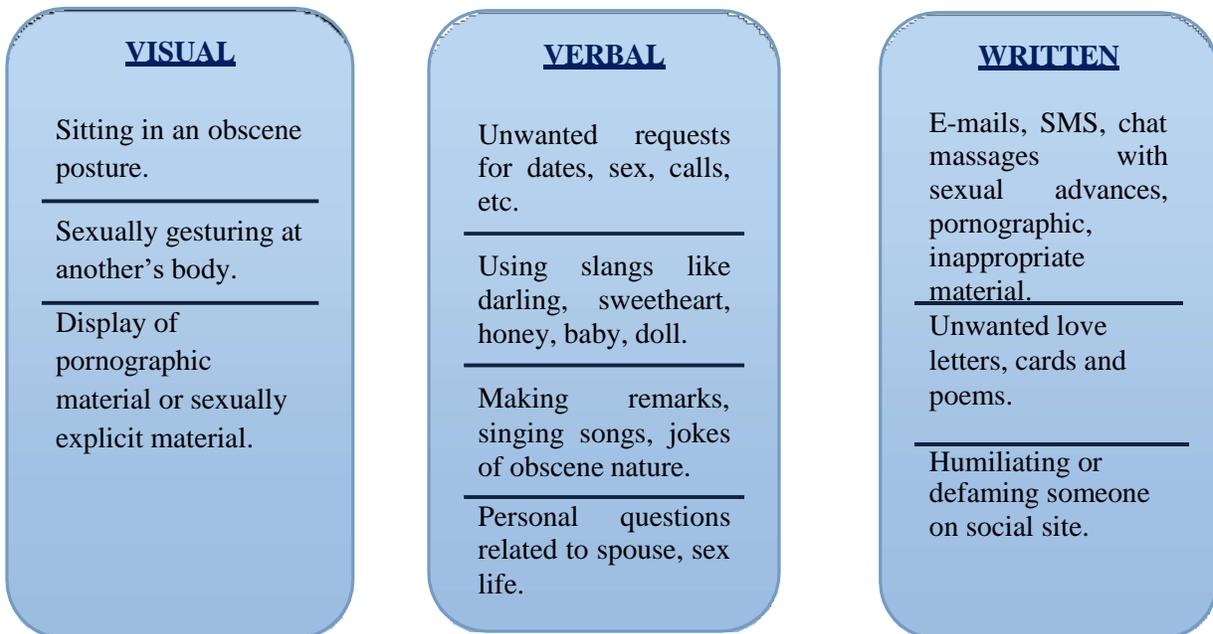
A victim can be:

- Employee/s
- Visitor/s
- Client/Customer
- Vendor
- Volunteers
- Interns
- Or any other person as deemed fit under the law.

It is made understood that any act of sexual nature would be regarded as SH Complaint if victim is impacted, the intent of the Respondent (defined below) or accused shall not matter.

- 4) **“Respondent”** means a person against whom the aggrieved employee has made a complaint.
- 5) **“Internal Committee”** (“IC”) means a committee constituted for the redressal of complaints and issues related to Sexual Harassment. The names and contact information of the members of the Internal Committee of the Company are also provided in this policy.
- 6) **“Workplace”** means any place of work where the Employees carry out their duties i.e. office, meeting premises, events, conferences, official, socials or any other premises visited in lieu of employment duties, including transportation provided by the Company for undertaking journey by the employees for carrying out his/her duties.
- 7) **“Employer”** means a person responsible for management, supervision and control of the workplace.

B. Forms of Sexual Harassment



C. Types of Sexual Harassment

1. Quid Pro Quo

This occurs when a person at a position of power asks an employee to perform certain compromising act/s which is/are displeasing/ uncomfortable for the victim assuring the victim for a favor in return. For instance, a supervisor proposing her/his fellow employee/s or junior employee/s to get intimate with her/him or to have sexual relations with her/him; and in return

such fellow/junior employee will get benefits in terms of exposure/credibility or if such fellow/junior employee refuses, he/she might have to suffer adverse consequences. This concept is also known as “This for That”. In summation an incident of Quid Pro Quo includes (without limitation) an aspect of the following:

- Implied or explicit assurance of preferential/favored treatment in employment/workplace;
- Implied or explicit threat of unfavorable treatment in employment/workplace;
- Implied or explicit threat about the present or future employment status.

2. *Hostile Work Environment*

Hostile work environment is the type of sexual harassment that occurs when there is frequent or pervasive, unwanted sexual comments, advances, requests, or other similar conduct. It can also occur when there is any verbal or physical conduct of sexual nature. This could include:

- Display/s of inappropriate or offensive materials;
- Sexual jokes or innuendos;
- unwanted love letters or e-mails or WhatsApp messages (whether privately or in group chats)
- Interference with someone’s ability to move freely,
- Persistent, unwanted interactions, such as asking for dates continually.
- Spreading rumors about someone.

In general, this type of conduct would be unwelcoming and either frequent or pervasive (or both) to be considered as creating a hostile work environment.

However, if in the ordinary course of work or in pursuit of obtaining a legitimate professional objective, it is essential to undertake any activity, including discussion, viewing, reading or other handling of issues or material related to sex, or sexuality such activity may not amount to Sexual Harassment (subject to applicable laws) provided that due diligence and care is taken to ensure that such activity is undertaken in a professional, respectful and distinguished manner.

It is important to note that the allegation of Sexual Harassment is contingent on the experience of the Victim, and not on the intentions of the Respondent.

D. Roles & Responsibilities

1. *Responsibilities of an Individual/Employee:*

It is the responsibility of all to respect the rights of others, raise voice against Sexual Harassment and support the victim going through such incident. It can be done by:

- a. refusing to participate in any activity which constitutes as Sexual Harassment
- b. supporting the person to reject unwelcome behavior
- c. giving statement to IC if you are a witness to the incident or are named in the Complaint.
- d. complying with SPIWD’s Prevention of Sexual Harassment Policy

- e. offering support to anyone who is being harassed and let them know where they can get help and advice (they should not approach the harasser themselves)
- f. reinforcing the maintenance of a work environment free from SH.
- g. reporting any SH incident witnessed by them at the workplace.

All and especially employees under supervision role are encouraged to advise and warn others of such behaviors that are unwelcome. Often, some behaviors are not intentional. While this does not make this acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

2. Responsibilities of Managers:

All managers at Company must ensure that nobody is subject to sexual harassment and there is equal treatment of all employees. They must also ensure that all employees understand

- that Sexual Harassment will not be tolerated;
- that complaints will be taken seriously; and,
- that the complainant, respondent/s, or witnesses are not victimized in any manner.

The Company follows the policy of “Zero Percent Tolerance” regarding SH at workplace and any complaint or reports of SH shall be treated promptly, seriously and sympathetically.

They shall be investigated thoroughly, impartially and confidentially as per the investigation procedure laid down under the applicable laws. The IC members must act immediately on any reports/complaints of SH as per due process. The employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

In order to efficiently implement and prevent SH at workplace managers and supervisors are bestowed with the following responsibility on behalf of the Company:

- To monitor the environment at the meetings whether in or outside the office (wherever feasible and practicable) to ensure acceptable standards of conduct are observed at all times,
- To impart knowledge about SH to the employees,
- To model appropriate behavior themselves in regard to the kind of language and gestures they are using at the premises,
- To maintain the decorum as per SH policy.
- To provide information as required by Internal Committee
- To treat all initial instances/complaints seriously and take immediate action to investigate and resolve the matter as per due process and applicable laws.
- To guide the employees about the complaint procedure, rights of victim, respondent, witness

- To educate the employees about the confidential nature of due process under applicable laws.
- To resolve the queries of employees themselves or forward the same to Internal Committee for proper redressal.
- To ensure that no adverse behavior is undertaken towards the victim by the respondent.

E. Objective

Company understands that it might be difficult for the victim to come forward with a complaint of SH and recognizes the victim's concerns for keeping the matter confidential. To protect the interests of the victim, respondent and witnesses who may be a part of the complaint of SH, Company shall ensure that due confidentiality of the incident, complaint and the proceedings shall be maintained. Company is committed in ensuring that any employee who brings forward a sexual harassment concern is subjected to any form of reprisal/retaliation. Any reprisal will be subject to disciplinary action by the Company. Company shall also ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of SH.

However, anyone who abuses the due process or procedure (for example, by maliciously putting an allegation knowing it to be untrue for personal gain) will be subject to disciplinary action and similar action can be taken or penalties imposed against the alleged victim if complaint is found/held to be false.

F. Applicability

This policy applies to all Employees of the Company including permanent management, workmen, temporary or contractual employee, trainees, employees, visitors, clients and substitutes at its workplace or at client sites.

Company will not tolerate SH, if engaged in by clients, vendors or any other business associates.

G. Internal Committee

An Internal Committee ("IC") has been constituted by Company to consider and redress complaints of Sexual Harassment. The members of the IC are as follows:

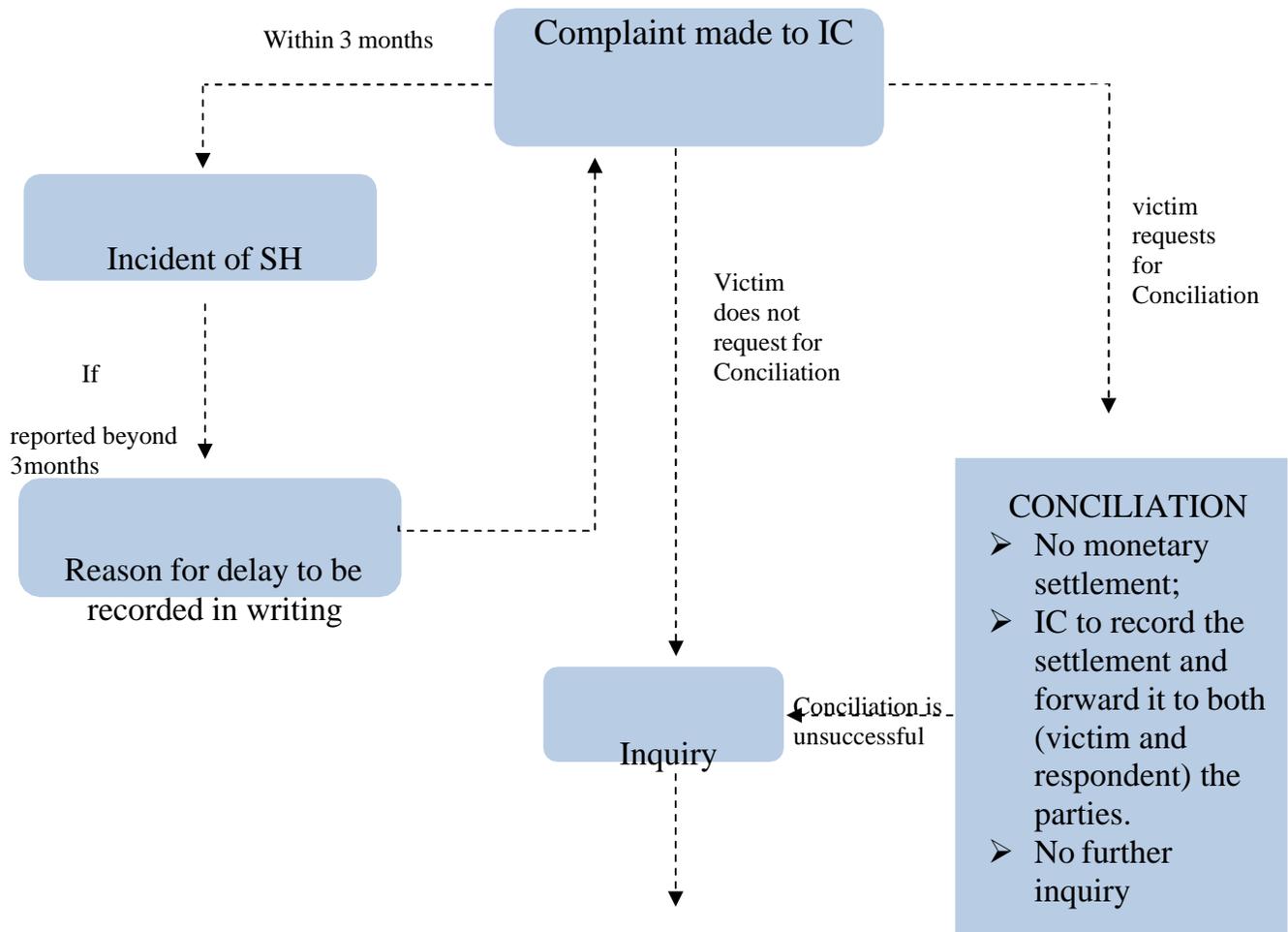
Location: LGF & 3 rd Floor, G-5, Sector-3, NOIDA, Uttar Pradesh-201301			
Head Office			
Name	Position	Company/Organization	Contact Information
Ms. Varsha Mavi	Chairperson/ Presiding Officer	SPIWD	varshamavi@spiwd.in
Mr. Kuldeep Rai	Member	SPIWD	kuldeep@spiwd.in

Ms. Saumya	Member	SPIWD	saumya@spiwd.in
Mr. Kanishk Agarwal	External Member	Centre4Posh	011-49039166 kanishk.agarwal@centre4posh.com

The Chairperson/Presiding Officer and the other members of the IC will serve a term of 3 (three) years from the date of their respective nomination.

REDRESSAL PROCESS

The whole procedure/process from the receipt of a complaint to action to be taken by the Employer is summed up in this diagram below:-



If inquiry upholds that complaint against the respondent is genuine, the IC shall take action as sanctioned under the applicable laws

H. Complaint

Any victim can submit a complaint of SH, **in writing**, (with 6 copies), to the IC within a period of 3 (three) months from the date of the occurrence of the incident of Sexual Harassment or in case of recurring incidents, within 3 (three) months from the date on which the last incident has occurred. Internal Committee will assist the victim in writing the complaint where he/she is unable to do so. Each Complaint should ideally include (without limitation) the name, address, designation of the Respondent, a description of each incident including particular dates and the names and addresses of the witnesses.

Upon receiving the Complaint, the IC shall ensure that the victim is heard, informed that the Company takes such concerns seriously and that all proceedings are to be kept confidential.

I. Conciliation

The victim may at his/her own absolute discretion and at any time before the initiation of an inquiry can request the IC to settle the matter through conciliation. The following steps are conducted in event of a conciliation:

- Internal Committee will hear both the parties and resolve the matter amicably with certain proposed actions, which are acceptable to the victim & respondent
- The Committee will not conduct any further inquiry in the event the matter is concluded/resolved between both the parties.
- The Committee will record the terms of the resolution arrived at between the parties, if any, and forward the same to employer as well as provide copies to both the victim and the respondent.
- If the resolution is not acceptable to victim then a written complaint is to be made and inquiry proceedings will be conducted

No monetary settlement shall be provided under the conciliation process.

J. Inquiry

The following step by step process shall be adopted by the IC during a Complaint proceeding-

- The Complaint will be provided to respondent within 7 days.
- Respondent should file a reply, which would contain the list of documents, names and witnesses, within 10 working days.
- Internal Committee would hear both the parties one by one.
- Cross examination of their version.
- Hearing of witness and examination of documents, if any.

- Inquiry shall be completed within a period of 90 days.
- Internal Committee would reach to a decision and file a report (within 10 days from the completion of inquiry), recommending the employer/Company to take action/s accordingly;
- Employer/Company would take actions as per the recommendation of Internal Committee within 60 days of the receipt of inquiry report.

Internal Committee will make inquiry into the complaint in accordance with the principles of natural justice and as per applicable laws.

K. Interim Orders

The IC may, on a written request made by the victim or as deemed fit recommend the following measures to the employer/Company during the pendency of an inquiry:

- Transfer the victim or the Respondent to any other workplace; or
- Grant leave to the victim for a period after 3 (three) months; or
- Restrain the supervision role of the respondent over victim, if any; or
- Change the reporting system of the victim.

L. Self -Representation

Neither the victim nor the respondent shall be allowed representation through an advocate or legal counsel during the IC proceedings.

M. Importance of Evidence

Victim and respondent shall collect and provide all the evidences in order to support their statements/claims/defenses.

N. Decision/Recommendations of IC

Where the IC arrives at the conclusion that the allegation against the respondent has been proved or complaint filed by the victim has been proved to be false or malicious, it can recommend the Employer/Company to take necessary action in accordance with the applicable laws, rules and policies against the respondent or the victim (as applicable) and this may include:

- Undergoing counseling
- Apology
- Written warning
- Reprimand or censure
- Withholding promotion and/or increments
- Suspension
- Termination
- Or any other action that the IC may deem fit.

However, mere inability to substantiate a complaint or provide adequate proof would not fall under a Malicious or False complaint.

The Company shall act upon the recommendations of the IC within 60 days and confirm its compliance to the IC.

O. Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of IC, action taken by the employer is considered as confidential materials, and shall not be disclosed, published or made known to other employees, public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

P. Conclusion

In conclusion, M/s SP Institute of Workforce Development Private Limited reiterates its commitment to providing its employees, a workplace free from harassment/discrimination as well as a workplace where every employee is treated with dignity and respect.
