



PREVENTION  
OF SEXUAL  
HARASSMENT  
POLICY



PREVENTION OF SEXUAL HARASSMENT POLICY  
UNDER  
THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE  
(PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013  
EFFECTIVE FROM DECEMBER 9, 2013



## Introduction:

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 under 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.

Further, The success of any Organisation is based on its people. We, at IPRS, treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy

This Policy intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.



## Definition:

1. **Sexual harassment** may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals with in the course of his/her work who is not employed by the Company.



“Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

- a) Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:
  - i. Physical contact and advances;
  - ii. Demand or request for sexual favours;
  - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
  - iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
  - v. Repeatedly asking to socialize during off-duty hours or continued expression of sexual interest against a person's wishes;
  - vi. Giving gifts or leaving objects that are sexually suggestive;
  - vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
  - viii. Persistent watching, following, contacting of a person; and
  - ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature



b) The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment :

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. 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.

2. **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 and includes 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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice, customer / client , vendor or by any other such name.
3. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
4. **Workplace:** In addition to the place of work [Head office / Branch offices] it shall also include any place where the aggrieved woman or the respondent visits in connection with her work, during the course of and/or arising out of employment/ contract/ engagement with IPRS, including transportation provided for undertaking such a journey.



5. **Employer: (Management)** A person responsible for the management, supervision and control of the workplace and management includes the person or board or committee responsible for formulation and administration of policies for such organisation.



## Roles and Responsibilities:

1. **Responsibilities of Individual:** It is the responsibility of each individual to respect the rights of others and to never encourage harassment. It can be done by:

- a. Immediately inform the alleged harasser that the behavior is unwelcome
- b. Reinforce your statements with a firm tone and professional body language
- c. Do not pretend that it did not happen
- d. Do not feel compelled to accept behavior that makes you uncomfortable, even if others are willing to tolerate it
- e. Be supportive of people who wish to talk about their being sexually harassed & direct them to the appropriate authorities
- f. Immediately inform one of the members of the Internal Committee

All are encouraged to educate others of behaviour that is unwelcome. Often, some behaviours are not intentional, however if it is not acceptable by the individual experiencing it, it does give the person the opportunity to modify or stop their offensive behaviour.

2. **Responsibilities of Managers:** All managers at IPRS must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.



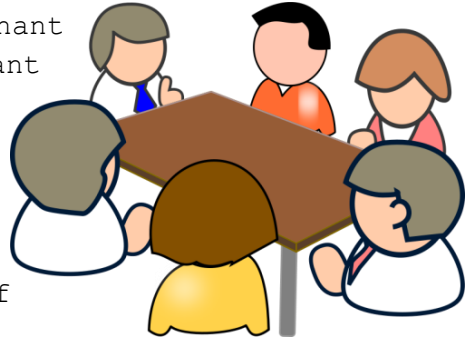
3. **Responsibilities of Employers (Management):** It is the duty of the Management to comply with the Act and take necessary steps. Such as...

- a. Provide a safe working environment at the workplace
- b. Form "Internal Committee" (IC) for prevention, prohibition and redressal of sexual harassment at workplace.
- c. Display at any conspicuous place in the workplace, the list and contact information of IC members.
- d. Organise workshops and awareness programmes at regular intervals for the employees.
- e. Carry out orientation programmes and seminars for the Members of the IC
- f. Conduct capacity building and skill building programmes for the Members of the IC
- g. Assist in securing the attendance of respondent and witnesses before the IC.
- h. Provide assistance to the complainant if she chooses to file a complaint in relation to the offence under the Indian Penal Code.
- i. Monitor the timely submission of reports by the IC.



## Redressal Mechanism - Formal Intervention

In compliance with the Act, if the complainant needs a formal intervention, the complainant requires to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reproduced in writing by the receiver and signatures of the complainant will be obtained.



### **Internal Committee (IC)**

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an **IC** is constituted at the location of Company's operation.

### **The Internal Committee comprises of:**

- Presiding Officer (Chair person of the committee) : A woman employed at a senior level in the Organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and / or having legal knowledge
- One external member, who is from an NGO committed to the cause of Women OR who is familiar with issues related to Sexual Harassment OR having legal background but currently not practicing as a lawyer, along with some expertise in the matter.
- IC can have more than 4 members, however 50% should be women members. In any proceeding, minimum 3 members should be present.

### **The IC is responsible for:**

- Preventing and prohibiting sexual harassment at workplace by spreading awareness about the act, procedure and its legal consequences.
- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Being fair with both the parties, complainant and respondent. - format
- Coordinating with the Management in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines.
- Submitting annual reports in the prescribed format





## Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by **another 3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.



Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the IC shall render all reasonable assistance to the complainant for reproducing the complaint in writing.

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

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately. Wherever possible Organisation ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.



### **Receiving a Complaint (guidelines)**

Dealing with incidents of sexual harassment requires tact and discretion, considering the sensitivity of subject.

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

- Complaints are listened to and the complainant is assured 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.
- Situations are not pre-judged. Complainant is allowed to bring another person to the meeting if she wishes. If written notes are taken, complainant's words must be used. 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 about the complainant's identity

Care is 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.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records and reports the same to the Management for taking appropriate action. Resolution through conciliation happens within **2 weeks** of receipt of complaint.

The committee provides copies of the settlement to complainant and respondent. Once the action is implemented, no further inquiry is conducted

## Resolution procedure through formal inquiry

### Conducting Inquiry:

The IC initiates inquiry in the following cases:

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



The IC proceeds to make an inquiry into the complaint within a period of **1 week** of its receipt of the original complaint/closure of conciliation/repeat complaint.



#### **Manner of inquiry into complaint:**

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the IC sends 1 copy of the complaint to respondent within 7 working days
- Respondent needs to reply with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The IC makes inquiry into the complaint in accordance with the principles of natural justice
- For conducting the inquiry, minimum three IC members including the Presiding Officer should be present

#### **Interim Relief**

During pendency of the inquiry, on a written request made by the complainant, the IC may recommend to the Management to -

- 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 Management will inform the IC regarding the same

#### **Termination of Inquiry**

IC at IPRS may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order



### **Inquiry procedure**

All proceedings of the inquiry are documented. IC interviews the respondent separately and impartially. IC shares the details of the complaint. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed and statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the IC 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 IC 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 ensures absolute fairness to all parties

### **Considerations while concluding the enquiry**

While concluding the enquiry, following is considered:

- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the IC.



### **Action to be taken after inquiry**

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

The findings and recommendations are reached from the facts established and is recorded accurately.

Upon request of the complainant or respondent, Management of IPRS may initiate transfer, change of shift, grant of leave etc. to protect against victimization before the final outcome is announced.

### **Complaint unsubstantiated**

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

### **Complaint substantiated**

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

- Counselling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination
- Or any other action that the Management may deem fit.

The Management at IPRS acts upon the recommendations within 60 days and confirms to the IC.

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.



### **Malicious Allegations**

Where the IC arrives at the conclusion that the allegations against the respondent are 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, IC may recommend to the Management to take action against the complainant.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the IC 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 ICs, action taken by the Management 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 appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

### **Important Note**

The above mentioned policy is a representation of POSH act, which is only applicable to women. However, IPRS has decided to extend the policy's application to males as well. Where by, male associates are provided an opportunity to complaint against sexual harassment too. All procedures mentioned above remain the same.