

## POSH Policy guidelines

Sexual Harassment violates the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and right to practice any profession, which includes a right to a safe environment free from Sexual Harassment. Sexual Harassment at the workplace is a horrific violation of an individual's rights and ACME as an organization has firm belief that sexual Harassment at work place is one of the most condemnable act and we take very strict measures to control the same.

POSH LAWS are law to prevent and to provide protection against, Sexual Harassment of women at the workplace as well as redressal of complaints of Sexual Harassment.

For **ACME**

We have constituted an Internal Committee (IC). This Committee has following members as per Vishakha Guidelines –

1. Dr. Vandana Madhusudan - A Presiding Officer appointed from Senior Management (must be a woman, as per POSH guidelines)
2. Sincy Joseph (NGO employee, of New Education Group) (as per the guidelines, One external member from amongst non-governmental organizations)
3. Mamta Tyagi and Rajesh Sodhi (At least two members representing the employees of the organization.)

As per the guidelines of POSH committee, and Vishakha Guidelines, we have essentially at least one-half of the total members so nominated women. All complaints shall be made to this body which must resolve every issue impartially.

(Both Dr Vandana Madhusudan and Sincy Joseph are trained and Certified by GOI on Gender sensitization trainings, as per POSH guidelines. The committee members are annually reconstituted in the month of April, for addition and deletion of members)

### **The committee is responsible for:**

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer 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 Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint on 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.

### **For Employees**

All employees of the organization must undergo sensitization training each year, as the entire emphasis of the law is on prevention of Sexual Harassment.

Irrespective of the intention of the accused or the level of impact, every incident has to be taken seriously and investigated by the IC.

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

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 kept in mind by the receiver of the complaint:

- Complaint 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
- Situation are not to be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, is 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 of 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 & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint. The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

## **Resolution procedure through formal inquiry**

### **Conducting Inquiry**

The committee initiates inquiry in the following cases:

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

The Committee 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 committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies 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 Complaints Committee makes 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 is present

### **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 employer will inform the committee regarding the same

### **Termination of Inquiry**

Committee at ACME 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 is documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. 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 & statements are taken.

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 ensures absolute fairness to all parties.

### **Malicious Allegations**

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.

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

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 appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

## **POSH Training and Mandates:**

- All on roll employees will be trained on POSH guidelines every year
- All incidents on sexual harassment will be recorded and presented to the management committee yearly once

## Anti Harassment Policy

### Objective

To define the company's philosophy on non-discrimination and harassment.

### Scope

The policy extends to cover all employees of ACME, including its Group companies, subsidiaries, joint ventures that exist currently or may come into existence in future.

### Features

ACME Group is committed to providing a work environment that is free of discrimination and unlawful harassment. In keeping with this commitment, ACME expressly and strictly prohibits any form of employee harassment based on race, color, religion, gender, national origin, age, disability, sexual orientation, or status in any group protected by state or local law. Improper interference with the ability of ACME's employees to perform their expected job duties will not be tolerated.

ACME strongly discourages any discrimination or harassment on account of religion, race, gender, nationality, disability done with a purpose or effect of creating an intimidating, hostile or offensive work environment; of unreasonably interfering with an employee's work performance; or affecting an employee's employment opportunities or compensation.

### Employees should refrain from indulging in:

- Differential treatment of employees on these grounds that may interfere with or limit the ability of the employee from participating in or benefitting from services available to employees in general.
- Passing derogatory remarks about other employees in this context.

Employees should be particularly mindful of sexual harassment in the workplace, and for this reason specific clarifications are provided below. With respect to sexual harassment, behavior specifically prohibited by ACME includes but is not limited to:

- Unwelcome sexual advances;
- Threats, demands or requests for sexual favors;
- Physical conduct such as assault, unwanted or unwelcome touching or groping, blocking normal movement, or interfering with an individual's work;
- Verbal conduct such as epithets, lewd or sexually suggestive or derogatory comments, jokes, innuendos, slurs, invitations, or questions about an individual's sex life or experiences;
- Visual conduct such as lewd, derogatory, sexually suggestive and/or sexually-oriented computer images, posters, photography, e-mails, cartoons, drawings, calendars, greeting cards, magazines or gestures; inappropriate messages, jokes, pictures sent via text messaging (SMS/MMS);

- **All other conducts of a sexual or otherwise offensive nature, especially where:**

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting a term or condition of an individual's employment; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, abusive or offensive working environment.

It is the obligation of all employees to attend any harassment training or other seminars or meetings addressing harassment in the workplace when requested to do so by ACME.

## **HARASSMENT COMPLAINT PROCESS**

If you experience any job-related harassment or believe that you have been treated in a discriminatory manner, the incident(s) should be promptly reported to your Manager. If your Manager is unavailable or you believe it would be inappropriate to contact him/her, you should immediately contact your Human Resources Manager or Head-Human Resources or the highest level of management at your site.

It is your obligation to report any incident(s) of harassment or discrimination in accordance with this policy. Any manager, who by either a report from an employee or by some other means becomes aware of conduct that may constitute harassment, should immediately report such conduct to Human Resources.

ACME will make every effort to ensure that all complaints will be kept confidential to the maximum extent possible. ACME prohibits any form of retaliation against an employee for filing or threatening to file a complaint under this policy, or for assisting or otherwise participating in investigation of a complaint under this policy. As such, employees may follow this complaint procedure without fear of censure or reprisal.

ACME will promptly and fairly investigate all allegations of harassment and discrimination in the workplace. The facts surrounding each incident will determine the appropriate response to each complaint. Each situation will be handled discreetly. If ACME determines that an employee is guilty of harassing or discriminating against another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.