

## **POLICY ON SEXUAL HARASSMENT**

### **Policy Details**

**Policy Number** : HR/ER/LP4  
**Policy Version** : 1.0  
**Policy Effective Date** : 01.09.2009  
**Last Review Date** :  
**Process Administrator** : HR

### **1. Objective**

The main objective of having this Policy Document is to establish a complaint resolution policy and procedure to effectively combat sexual harassment at work and towards achieving that object, to identify and prevent sexual harassment at work and to resolve complaints against such conduct in a fair and timely manner.

### **2. Coverage**

This policy is applicable to allegations of sexual harassment at work made by and against employees of Crestech Software Systems working in India at various locations and facilities of the company.

### **3. Policy Details**

#### **3.1. Sexual Harassment Defined:**

According to a Supreme Court ruling Sexual Harassment is defined as follows: -

For the purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- a. Physical contact and advances;
- b. A demand or request for sexual favors;
- c. Sexually colored remarks;
- d. Showing pornography;
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The words "any other unwelcome physical, verbal or non-verbal conduct of sexual nature" in (e) above may include, but is however not limited to the following: -

- (i) Eve-teasing
- (ii) Sexual comments and innuendos
- (iii) Jokes causing or likely to cause awkwardness or embarrassment
- (iv) Gender based insults or sexist remarks
- (v) Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like
- (vi) Touching or brushing against any part of the body and the like
- (vii) Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.
- (viii) Forcible physical touch or molestation
- (ix) Physical confinement against one's will and any other act likely to violate one's privacy

- (x) Demand for sexual favours accompanied by implied or over threats concerning one's jobs, grade or letter of recommendation
- (xi) Subtle pressure for sexual activity
- (xii) Visual display of degrading sexual images
- (xiii) Physical assault, rape and sodomy

### **3.2. Administrative Guidelines:**

3.2.1. The Human Resource department will be responsible for informing the employees and administering the policy and procedures.

3.2.2. A Sexual Harassment Complaints Committee will be constituted to hear all complaints of sexual harassment. The Committee will comprise of 4 members of senior management. This committee will adjudicate and decide the complaint within 60 calendar days of the formal complaint being lodged.

3.2.3. The proceedings of the Committee will be kept confidential, and will provide a fair, prompt and reliable determination as to whether the company's sexual harassment policy has been violated, after taking the totality of the circumstances into consideration.

3.2.4. The disciplinary action/punishment may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personal file, probation, suspension with or without pay, demotion, removal from administrative duties within a department, expulsion, and dismissal or termination.

3.2.5. The policy also contemplates disciplinary action against complainants who come up with false allegations.

### **3.3. Procedure:**

3.3.1. The complainant (who may or may not be the victim) should lodge a formal/informal complaint within 7 days of the incident.

3.3.2. An informal complaint can be lodged with the Reporting Manager, Line HR or with the Sexual Harassment Complaints Committee within 7 days of the incident.

3.3.3. A formal complaint can be lodged with the Reporting Manager, Line HR, Corporate HR or with the Sexual Harassment Complaints Committee within 7 days of the incident.

3.3.4. All formal complaints should be referred to the Sexual Harassment Complaints Committee.

3.3.5. Informal complaints are handled by Corporate HR or the Sexual Harassment Complaints Committee, as applicable, and should be resolved within 15 days of the complaint being lodged.

3.3.6. Formal complaints are handled by the Sexual Harassment Complaints Committee and should be resolved within 60 days of the complaint being lodged.

3.3.7. The Sexual Harassment Complaints Committee retains the right to decide

whether to conduct an informal or formal procedure for resolving the issue.

3.3.8. In both the above cases the Committee will conduct a preliminary investigation and prepare an investigation prima facie report.

3.3.9. In case the informal procedure is adopted, then depending upon the preliminary findings the Committee will refer the issue to the VP for resolution.

3.3.10. The VP will resolve the issue either by personally mediating or appointing any other person to do so.

3.3.11. If informal resolution fails then the issue is referred back to the Complaints Committee for formal resolution within 15 days of failure.

3.3.12. If the complainant does not substantiate the allegations made, then the proceedings will close and the complainant's appeal will be referred to the CEO or a person appointed by him, whose decision will stand as final.

3.3.13. If the complainant substantiates the allegations made, then the Committee will call for a formal hearing.

3.3.14. At the end of the hearing the Committee will give its conclusions and findings.

3.3.15. If it is concluded that the policy has not been violated then the proceedings will close and the concerned parties will be intimated.

3.3.16. If it is concluded that the policy has been violated, then the Head of Human Resources Department will commence disciplinary action, in accordance with the service rules, and punishment will be imposed based on the severity of the harassment and past records of sexual harassment of the respondent. The concerned parties shall also be counseled.

3.3.17. At the end of the entire process registration of the same shall be done in the company records.

### **3.4. Responsibility:**

HR would be responsible to verify the effectiveness of the policy and its revision whenever required.

### **3.5. Members of Sexual Harassment Committee:**

1. Mr Lalit Jain
2. Mr. Avinash Tiwari
3. Miss. Yasmeeen

## **4. Definitions**

### **4.1. Legal Definition of Sexual Harassment**

Please refer to section 3.1 of this policy

#### 4.2. Communication

The Company would give its employees an early introduction to this Policy. The Company would also take all requisite steps to ensure effective dissemination of this policy as well as the accompanying document titled "Frequently asked Questions", which should also be read as part and parcel of this Policy.

#### 4.3. Misconduct

Crestech Software Systems shall treat commission of an act constituting sexual harassment by an employee as a misconduct/disciplinary offence. Victimizing or retaliating against an employee for bringing a complaint of sexual harassment in good faith shall also be treated as a disciplinary offence.

#### FAQ

##### 1. What are some examples of sexual harassment?

Please refer to section 3.1 of this policy

##### 2. What should I do if I feel I have been sexually harassed?

- Document the problem behavior: date, time, place, witnesses, specific behaviors
- Tell the harasser that the behavior is offensive and that you want it to stop
- Lodge an informal and/or a formal complaint with your Reporting Manager or concerned HR person or directly with the Sexual Harassment Complaints Committee

##### 3. If I make a complaint of sexual harassment, can I be assured that my complaint will remain confidential?

Although every effort is made to handle harassment complaints as discreetly and confidentially as possible, it is typically necessary to share information with involved parties in order to investigate the complaint effectively. The alleged harasser also has due process rights that would ordinarily entitle him or her to knowledge of the name of the complainant and the nature of the allegations. However, the proceedings of the Committee will be kept confidential, and will provide a fair, prompt and reliable determination as to whether the company's sexual harassment policy has been violated, after taking the totality of the circumstances into consideration.

##### 4. What about false allegations?

Disciplinary action can be taken against individuals who knowingly or with reckless disregard for the truth make false accusations of sexual harassment.

##### 5. Can a supervisor decline to investigate a sexual harassment complaint to protect the confidentiality of those involved?

No. Supervisors are obligated either to investigate and address complaints themselves or to refer it to the appropriate office for investigation.

##### 6. Is sexual harassment only male to female? Supervisor to employee?

Sexual harassment occurs when individuals feel they are the recipients of unwanted sexual attention or behavior. Sexual harassment can happen to or be perpetrated by anyone against anyone: women, men, supervisors, employees, trainees, and/or vendors.

## **7. What is the purpose and possible outcome of an investigation?**

The purpose of the investigation is to evaluate the allegations of sexual harassment, formulate a response to address the situation, and follow up to ensure that recommended actions have been taken. Outcomes can include: no finding of harassment as alleged, finding of inappropriate behavior, finding of harassment, or finding of false allegations. The ultimate goal is to stop the harassment.

## **8. Who is typically involved in an investigation?**

A Sexual Harassment Complaints Committee has been constituted to hear all complaints of sexual harassment. The Committee comprises of 3 members of management. This committee will adjudicate and decide the complaint within 15 calendar days of the informal complaint being lodged and within 60 calendar days of the formal complaint being lodged.