

# PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE POLICY

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Version 1.2

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**Effective Date:**

Version 1.0

14<sup>th</sup> June 2017

Version 1.1

24<sup>th</sup> Dec 2019

Version 1.2

22<sup>nd</sup> Oct 2021

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## Document Control

<b>Document Revision History</b>					
<b>Date</b>	<b>Version</b>	<b>Description</b>	<b>Author</b>	<b>Reviewed by</b>	<b>Approved by</b>
14 <sup>th</sup> June 2017	0.1	Draft Policy	Gauri Agarwal	Sanjeev Rana	
14 <sup>th</sup> July 2017	1.0	Policy – Base Line	Gauri Agarwal	Sanjeev Rana	Lalit Jain
24 Dec 2019	1.1	Updation of ICC Members	Gauri Agarwal	Sanjeev Rana	Lalit Jain
22 Oct 2021	1.2	Updation of ICC Members	Mansi Mittal	Sanjeev Rana	Lalit Jain

## **1. Introduction**

Crestech Software Systems Private Limited (hereinafter referred as the 'Company') treats every employee with dignity and respect that enables employees to work free from unwelcome, offensive and discriminatory behavior. The Company treats sexual harassment as misconduct under the service rules and aims to initiate action for such misconduct through implementation of the said Policy.

This policy provides guidelines for prompt redressal of complaints related to sexual harassment and follows "The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (the "Act").

This Policy will be posted on the Company's intranet.

## **2. OBJECTIVE:**

The policy aims at defining sexual harassment and providing a clearly stated redressal mechanism for any sexual harassment occurring at workplace. The primary objective of the policy is to enable all those working with the Company to raise their concerns and make complaints without any fear and be heard in a fair and unbiased manner.

The Company follows the mandate of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the "Sexual Harassment Act") and has constituted a committee to deal with matters pertaining to sexual harassment.

## **3. SCOPE:**

All the employees of Company are covered under this policy including trainees. The Policy shall be applicable at all the offices of the Company including but not limited to any place visited by the employee arising out of or during the employment including transportation provided by the Company for undertaking such journey.

## **4. OWNER:**

Corporate HR owns the responsibility of maintenance and review of this policy as per the organizational requirement.

## **5. Definitions**

"Sexual Harassment" includes any one or more of the following unwelcome acts, incidents or behavior (whether directly or by implication) namely:

1. Physical contact and advances; or 2. A demand or request for sexual favours; or 3. Making sexually colored remarks; or 4. Showing pornography; or 5. Any other unwelcome physical, verbal or nonverbal conduct of sexual nature.

Refer Annexure A for some of the actions which will constitute “Sexual Harassment”.

**Incident:** means an incident of Sexual Harassment

**Employee:** means a person employed at a workplace for any work on regular, temporary, 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.

**Employer/ Company** refers to the Managing Director and /or Head of Human Resource Function of Company.

**Aggrieved Woman:** means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

**Respondent:** A person against whom the aggrieved woman has made complaint under this Policy.

**Workplace:** Includes all offices and branches of the Company, all instances reported within the Company and in any place visited by the employee arising out of or during the employment including transportation provided by the Company for undertaking such journey.

## **6. Principles**

a) Sexual Harassment is unlawful and will not be tolerated and is a disciplinary issue other than it being a criminal offence. The principles governing it are:

i) Speedy (early) resolution to problems

ii) Confidentiality

b) It is the duty of all staff, part time or casual employees, volunteers and consultants to comply with this policy.

c) Any retaliation against an individual who has complained about sexual harassment (complainant) or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

d) Misuse of policy or Malicious complaints will be dealt with as a disciplinary matter

## **7. Administration Guidelines**

- 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.
- 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.

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

### **8. Procedure:**

- The complainant (who may or may not be the victim) should lodge a formal/informal complaint within 7 days of the incident.
- An informal complaint can be lodged with the Reporting Manager, HR or with the Internal Complaints Committee (ICC) within 7 days of the incident.
- A formal complaint must be lodged within 7 days by submitting a written complaint to the Committee or any of its members along with list of witnesses and supporting documents. Additional documents and list of witnesses can be submitted to ICC at a later stage during the proceeding
- Informal complaints are handled by Head HR or the ICC, as applicable, and should be resolved within 15 days of the complaint being lodged.
- Formal complaints are handled by the ICC and should be resolved within 60 days of the complaint being lodged.
- The ICC retains the right to decide whether to conduct an informal or formal procedure for resolving the issue
- In both the above cases the Committee will conduct a preliminary investigation and prepare an investigation prima facie report.
- In case the informal procedure is adopted, then depending upon the preliminary findings the Committee will refer the issue to the Director for resolution.
- If informal resolution fails, then the issue is referred to the ICC for formal resolution within 15 days of failure.
- If the complainant does not substantiate the allegations made, then the proceedings will close
- If the complainant substantiates the allegations made, then the Committee will call for a formal hearing.
- At the end of the hearing the Committee will give its conclusions and findings.
- If it is concluded that the policy has not been violated, then the proceedings will close, and the concerned parties will be intimated.
- 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.
- At the end of the entire process registration of the same shall be done in the company records.

### **9. Internal Complaints Committee (ICC)**

Refer Annexure B & C for the ICC members.

a) Constitution of the Committee- The Committee shall consist of atleast 4 members in total, which is explained as below:

a) Presiding Officer- Shall be a woman employed at a senior level.

b) Internal Members- 2 Internal members out of whom at least one would be a male member.

C) NGO Member -One Member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment (“External Member”).

No meeting of the ICC can be held without at least 3 members present. No member shall be part of ICC for more than a period of 3 years. The only exception of extension in any member’s tenure would be in case of an ongoing investigation.

#### **10. Complaint**

a) Time Limitation- The aggrieved party must complaint to the Committee in writing within 3 months of the incident or 3 months from the last incident in case of series of incidents. This can be further extended to another 3 months in case of exceptional circumstances by the ICC but in no case more than 6 months.

b) The complaint can also be made by the legal heir in case the aggrieved party is not in physical or mental condition to do so.

#### **11. Procedure for ICC**

a) Complaint- ICC cannot function suo-motto but will have to wait for the complaint to happen.

b) Conciliation- ICC at the request of the aggrieved party may take steps to settle the matter between her and the respondent through conciliation. Such conciliation can’t result in monetary settlement.

c) Settlement- The ICC shall record the settlement and submit the same to the Management and a copy each to aggrieved party and the respondent. If settlement is submitted once, no further investigation to be made by the ICC.

d) Police Complaint- During investigation, if the ICC deems to believe that a prima facie case exist, shall forward the complaint to the police within 7 days for registering the case under Sec 509 of IPC.

e) Both parties heard- The ICC is responsible to give the opportunity of representation to both parties during inquiry before reaching any conclusion.

f) Powers of ICC- The ICC has the powers under law as equivalent to that of a Civil Court in the following matters:

a) Summoning and enforcing the attendance of any person and examining him/ her on oath. b) Requiring the discovery and production of documents

g) The inquiry must finish within a period of 90 days.

h) Recommendations- At the end of such inquiry, the ICC needs to submit a recommendation to the Management and the Management is bound to implement such recommendations. The Management is also required to submit a report of such implementation to the ICC. Copy of such recommendations shall be submitted within 10 days of finishing the inquiry. A copy of the same shall also be submitted to the two parties involved.

Where Harassment is proven :

The following actions may be recommended: a. A written apology b. Warning c. Reprimand or censure d. Withholding of promotion e. Withholding of pay rise or increments f. Undergoing a counseling session g. Carrying out of community service h. Terminating the respondent from service i. Any other punishment according to the service rules applicable to the respondent

When Allegation is malicious

If the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making the complaint has made the complaint knowing it to be false or the aggrieved women or any other person making the complaint has produced any forged or misleading document, it may recommend to the Organization to take action against such falsification.

**Disclaimer:**

Company reserves the right in its absolute discretion to abolish the Policy at any time or to alter the terms and conditions. Such discretion may be exercised any time before; during or after the Policy year is completed.

## ANNEXURE 'A'

### SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE

#### A. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions

#### B. Verbal Conduct:

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities/behaviors
- Comments about a woman's physical attributes
- Spreading rumors about another person's sexual activities/conduct and/or partners
- Jokes which contain offensive, obscene or lascivious content
- Sexual advances / Sexual propositions
- Sexual innuendo or double entendres

#### C. Written Conduct:

- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail
- Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail

#### D. Physical Conduct:

- Unwelcome touching
- Sexual Assault
- Kissing / Hugging / Grabbing
- Coercing another person to participate in sexual intercourse or other sexual behaviors
- Impeding or blocking movements
- Any physical interference with normal work or movement.
- Sexual gestures



**ANNEXURE 'B'**

Crestech - INDEX OF MEMBERS OF THE INTERNAL COMPLAINTS COMMITTEE

As on 22 Oct. 2021

S. NO.	NAME OF MEMBER	ROLE	Mobile	Email
1	Ms. Manisha Dwivedi	Presiding Officer	9811009269	<a href="mailto:manisha.dwivedi@Crestechsoftware.com">manisha.dwivedi@Crestechsoftware.com</a>
2	Ms. Sakshi Juneja	MEMBER	9560372006	<a href="mailto:sakshi.juneja@Crestechsoftware.com">sakshi.juneja@Crestechsoftware.com</a>
3	Ms. Shipra Pandey	MEMBER	9999424725	<a href="mailto:shipra.pandey@Crestechsoftware.com">shipra.pandey@Crestechsoftware.com</a>
4	Mr. Himanshu Agarwal	MEMBER	9717668070	<a href="mailto:himanshu.agarwal@Crestechsoftware.com">himanshu.agarwal@Crestechsoftware.com</a>
5	Mr. Sanjeev Rana	MEMBER	9811046533	<a href="mailto:sanjeev.rana@Crestechsoftware.com">sanjeev.rana@Crestechsoftware.com</a>
6	Ms. Khushboo Bansal	MEMBER	9643023056	<a href="mailto:khushboo.bansal@Crestechsoftware.com">khushboo.bansal@Crestechsoftware.com</a>
7	Mr. Bhupinder Singh Rawat	MEMBER	9953008124	<a href="mailto:bhupindersingh.rawat@Crestechsoftware.com">bhupindersingh.rawat@Crestechsoftware.com</a>
8	Ms. Shuchi Amar	NGO MEMBER	9625392040	<a href="mailto:shuchi.counsellor@gmail.com">shuchi.counsellor@gmail.com</a>