

## PRISM JOHNSON LIMITED

### POLICY ON PROHIBITION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

#### 1.0 POLICY

- 1.1 PRISM JOHNSON LIMITED (PJL), is an equal employment opportunity company without regard to caste, race, religion, colour, marital status, sex, age, nationality etc. and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company, have the right to be treated with dignity and that the Sexual Harassment in any form at workplace is a serious offence. The Company shall prevent Sexual Harassment and develop a culture of “zero tolerance” for any form of Sexual Harassment at the Workplace.

Sexual harassment at the work place if involving women employees is a grave offence and is, therefore, punishable. PJL is committed to providing a workplace free from sexual harassment, intimidation and exploitation to its female employees. This Policy is applicable across the Company in all its Workplaces.

- 1.2 The Company always had a mechanism in place to deal with the sexual harassment cases. The Government has notified the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act") and Rules thereunder which lay down guidelines for prevention, prohibition and redressal of grievances related to sexual harassment of women at workplace. This Act came into force with effect from December 9, 2013.

This Policy (the “**Policy**”) gives effect to the legal provisions contained in the Act and the Rules relating to protection against Sexual Harassment at Workplace and for establishing the necessary mechanisms for redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.

This Policy is meant to educate the Employees about what act/conduct constitutes Sexual Harassment and has been formulated to prohibit, prevent or deter the commission of acts of Sexual Harassment at workplace, and in the event of such an occurrence, to enable a fair mechanism for dealing with such conduct.

#### 2.0 SCOPE AND EFFECTIVE DATE

- 2.1 This Policy extends to all women at workplace and comes into effect immediately.
- 2.2 “Aggrieved woman”, in relation to a workplace, 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;
- 2.3 “Sexual harassment” would mean and include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- (i) Physical contact and advances; or

- (ii) A demand or request for sexual favours; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of Sexual Harassment may amount to Sexual Harassment:

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

No woman shall be subjected to Sexual Harassment at any Workplace.

**Note:**

*It is the impact or effect of the behaviour on the recipient and not the intent of the offender that is critical in an assessment of such issues/cases. If the behaviour can be perceived as offensive or intimidating by the persons receiving it, it should be stopped. As such, all employees have a responsibility to communicate clearly to colleagues about behaviour that may be offensive and ask that it be discontinued.*

The term Sexual Harassment also includes such unwelcome sexually determined conduct (whether directly or by implication) as:

A) Physical Harassment, which includes:

- Physical contact and advances
- Intentional touching, pinching, grabbing, fondling, patting brushing against another's body
- Sexual assault
- Any physical conduct which is unwelcome

B) Verbal Harassment, which includes:

- A demand or request for sexual favors over promises related to employment such as work conditions, promotion, and increments. This is known as "quid pro quo" sexual harassment.
- Gesture-based harassment - sexually coloured remarks
- Making direct or indirect sexually suggestive comments, threats, slurs, sexual propositions
- Sexual jokes or teasing, misogynist humour, sexually coloured gender specific jokes

C) Written Or Graphic Harassment, which includes:

- Showing pornography, and
- The display of pornographic material
- Written material that is sexual in nature such a letter or notes containing a sexual Comment
- Leering or staring at another's body and/ or sexually suggested gesturing
- Displaying sexually visual material such as pinups, cartoons, graffiti, computer programmes, catalogues of a sexual nature
- Sexual messages or images sent via text / e-mails which may be perceived by the recipient as creating a hostile work environment

D) Any Other Unwelcome Physical, Verbal Or Non Verbal Conduct of sexual nature apart from those listed above will constitute as sexual harassment if by reasonable perception and common discretion qualifies as sexually offensive.

2.4 "Employee" means any person at a workplace for any work on 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 express or implied and includes a co-worker, a contract worker, probationer, trainer, apprentice or called by any other such name.

2.5 "Workplace" includes any department, undertaking, establishment, office, branch or unit or any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

2.6 "Special educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

2.7 "Incident" means an incident of Sexual Harassment as defined in clause 2.3 above.

2.8 "Respondent" means a person against whom the Aggrieved Woman has made a Complaint of Sexual Harassment.

2.9 "Prescribed Rules" means the Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 as may be in force from time to time.

2.10 "Employer" means the Managing Director, Executive Directors and Chief Human Resource Officer of the Company.

2.11 "Complainant" shall include Aggrieved Woman/victim or any other person filing the complaint on behalf of the Aggrieved Woman or Victim.

2.12 "Complaint" means information, either oral or written, made by the Aggrieved Woman/ Complainant. However, complaint made orally must be reduced in writing.

### 3.0 INTERNAL COMMITTEE (IC)

#### 3.1 Formation of the IC

The Act lays down the requirement of forming Internal Committees for redressal of sexual harassment complaints. The Employer will be responsible for formation of the Committee and ensuring that all the complaints are addressed by the Committee. The constitution of the Committee will be as per the provisions of the Act. To facilitate the immediate lodgement of complaints, the IC shall be assisted by HR representatives of respective location.

The names and contact details of the members of this Committee and its representatives for all locations will be announced and display of the same shall be ensured in common areas accessible to employees and visitors, alike.

The Committee will be constituted as per the following guidelines:

Category of the member	No. of members	Remarks
Presiding Officer	1	A senior level woman employee to be appointed as Presiding Officer of the Committee.
Employees	2 or more	Employees of the Company committed to the cause of women or having experience in social work, human resources or legal knowledge. One of them should be a HR representative or a person nominated by HR for the location.
Independent Representative/ External Member	1	A member from an NGO or associations or a person familiar with issues relating to sexual harassment and may include any of the following: (i) A social worker with at least five year's experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment. (ii) A person who is familiar with labour, service, civil or criminal law.

- It is mandatory that at least one-half of the total members of the IC shall be women.

3.2 A quorum of 3 members is required to be present for the inquiry proceedings to take place. The quorum shall include the Presiding Officer or Chairperson.

3.3 The Presiding Officer shall always be a woman employee.

- 3.4 The Presiding Officer and every member of the IC shall hold office for a period not exceeding 3 years from the date of their nomination. However, the IC will continue to function after expiry of its tenure till the nomination of new Presiding Officer and members of IC and the acts done or decisions taken by the outgoing IC during such period shall be enforceable and binding.
- 3.5 The Presiding Officer and every member of the ICC shall be removed from the Committee under the following circumstances :
- (i) Contravention of the provisions of Section 16 the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
  - (ii) Convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him.
  - (iii) Found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her.
  - (iv) Has so abused his/her position as to render his continuance in office prejudicial to the public interest.

The vacancy created in any of the above circumstance or any casual vacancy shall be filled by fresh nomination by the Company.

- 3.6 IC shall be responsible for:
- a. receiving Complaints of Sexual Harassment at the Workplace
  - b. initiating and conducting inquiry as per the established procedure
  - c. submitting findings and recommendations of inquiries to the Employer
  - d. maintaining strict confidentiality throughout the process as per established guidelines

## **4.0 COMPLAINT**

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

Dealing with incidents of harassment is not like any other type of dispute as these incidents involve the Complainant and Respondent emotionally. Complainants may be embarrassed and distressed and it requires tact, discretion and patience while receiving the Complaint.

The following points are to be kept in mind by the receiver of the Complaint:

- in circumstances where the Complainant is narrating the incident of Sexual Harassment, the receiver should listen to it with patience and without interrupting the Complainant. The Complainant to be informed that the Company takes such concerns seriously. Complainant is to be informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- such situation are not be pre-judged. It is very important that written notes are taken while listening to the Complainant. When taking accurate notes, Complainants own words, where possible, are 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.

4.0.1 Any Woman Employee who feels that she is being sexually harassed, directly or indirectly, may submit a Complaint of the alleged incident to any member of the IC or at the email address of the IC, intimated by the Employer from time to time, in writing with her signature within three (3) months of occurrence of incident, and in case of a series of incidents, within a period of three (3) months from the date of the last incident.

The IC may, after recording its reasons in writing, extend the time limit if it is satisfied with the circumstances that led to preventing the Complainant from making the Complaint within three (3) months;

The Committee shall receive complaints, as per this Policy, from an employee who has experienced such harassment during her employment, but has since left the Company, so long as the Complaint is received in writing within 3 months from the date of incidence.

Provided that where such Complaint cannot be made in writing, the Presiding Officer or any Member of the IC shall render all reasonable assistance to the woman for making the Complaint in writing.

Provided that the time limit may be extended for a period not exceeding three months, if the IC is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

- 4.0.2 (i) Where the Aggrieved Woman is unable to make a Complaint on account of her physical incapacity, a Complaint may be filed by :
- (a) her relative or friend; or
  - (b) her co-worker; or
  - (c) an officer of the National Commission for Women or State's Women Commission; or
  - (d) any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
- (i) Where the Aggrieved Woman is unable to make a Complaint on account of her mental incapacity otherwise, a Complaint may be filed by:
- (a) her relative or friend; or
  - (b) a special educator; or
  - (c) a qualified psychiatrist or psychologist; or

- (d) the guardian or authority under whose care she is receiving treatment or care; or
  - (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care.
- (ii) Where the Aggrieved Woman, for any other reason, is unable to make a Complaint, a Complaint may be filed by any person who has knowledge of the incident with her written consent.
- (iii) Where the Aggrieved Woman is dead, a Complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- (iv) If the Complaint is made to a person other than a IC member, upon receiving such a Complaint, such person (who has received the Complaint) may report the same to the Committee immediately with the consent or connivance of the Complainant.

#### **4. 1 Manner of inquiry into Complaint**

4.1.0 At the time of filing the Complaint, the Complainant shall submit to the IC six copies of the Complaint along with supporting documents and the names and addresses of the witnesses, if any.

##### **4.1.1 Resolution procedure through Conciliation**

- a. Once the Complaint is received, before initiating the inquiry IC shall take steps to conciliate the Complaint between the Complainant and the Respondent.
- b. The IC shall meet the Complainant and explain the process of conciliation and formal investigation to the Complainant. The choice to opt for conciliation or formal investigation lies solely with the Complainant.
- c. Once the due process is understood by the Complainant and she opts to go ahead with conciliation, the Committee shall note the terms for conciliation as put forth by the Complainant and communicates the same to the Respondent.
- d. 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 are cleared.
- e. Monetary settlement can not be made basis of conciliation.
- f. In case a settlement is arrived at i.e. both the parties are willing to go ahead with the settlement, the Committee records and reports the same to the Employer for taking appropriate action.
- g. The Committee shall provide copies of the settlement to Complainant and Respondent.
- h. Once the action is implemented, no further inquiry is conducted.
- i. Where the Aggrieved Woman informs the IC that any term or condition of the settlement above has not been complied with by the respondent, the IC shall proceed to make an inquiry into the complaint.

##### **4.1.2 Resolution procedure through formal inquiry**

The Committee initiates inquiry in the following cases:

- No conciliation is requested by Aggrieved Woman
- Conciliation has not resulted in any settlement
- Respondent has not agreed for the conciliation
- Complainant informs the Committee that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent

- a. On receipt of the Complaint, the IC shall send notice along with a copy of the Complaint received from the Aggrieved Woman as stated above to the Respondent within a period of seven working days.
- b. The Respondent shall file his reply to the Complaint along with his list of documents and names and addresses of witnesses within a period not exceeding ten working days from the date of receipt of the documents specified in Clause 4.1.2(a) above.
- c. The IC shall make inquiry into the Complaint in accordance with the principles of natural justice.
- d. The IC may terminate the inquiry proceedings or give an *ex-parte* decision on the Complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer.

*Provided* that such termination or *ex-parte* order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- e. The Parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
- f. In conducting the inquiry, a minimum of three members of the IC including the Presiding Officer, shall be present.
- g. Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against findings before the IC.

4.2.1 For the purpose of making inquiry under Clause 4.1.2, the IC shall have the same powers as are vested in a civil court under the Civil Procedure Code, 1908 when trying a suit in respect of the following matters, namely :

- (i) Summoning and enforcing the attendance of any person and examining him on oath;
- (ii) Requiring the discovery and production of documents; and
- (iii) Any other matter which may be prescribed.

4.2.2 The inquiry under Clause 4.1.2 shall be completed within a period of ninety days.



## **5.0 ACTION DURING PENDENCY OF INQUIRY**

- 5.1 During the pendency of the inquiry, on a written request made by the Aggrieved Woman, the IC may recommend to :
- (a) Transfer the Aggrieved Woman or the Respondent to any other Workplace; or
  - (b) Grant leave to the Aggrieved Woman upto 3 months; or
  - (c) Restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report and assign the same to another officer; or
- 5.2 The leave granted as above, shall be in addition to any other leave she would be otherwise entitled.
- 5.3 The Employer shall implement the recommendations of the IC and send the report of such implementation to the IC.

## **6.0 FINDINGS AND REPORT OF THE INQUIRY**

- 6.1 On completion of an inquiry, the IC shall provide a report of its finding to the Employer within a period of 10 days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- 6.2 While preparing the findings/recommendations, following are considered:
- Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature
  - 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
  - In case both the parties are employees, a copy of the proceedings were made available to both parties enabling them to make representation against the findings
- 6.3 Where the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action be taken in the matter.
- 6.4 Where the IC arrives at the conclusion that the allegation against the Respondent has been proved, except in cases where service rules exists, it shall recommend to the Employer to take any action including the following:
- (i) To take action, including a written apology for sexual harassment;
  - (ii) Issue warning, reprimand or censure;
  - (iii) Withholding of promotion;
  - (iv) Withholding of pay rise or increments;

- (v) Termination from service;
- (vi) Undergoing a counselling session or carrying out community service;
- (vii) To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or her legal heirs, as it may determine, in accordance with the provisions of Clause 8.

*Provided* that in case the deduction cannot be made from the salary of the Respondent due to his being absent from duty or cessation of employment, the IC shall direct the respondent to pay such sum to the Aggrieved Woman.

*Provided* further that in case the respondent fails to pay the sum referred to above, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

6.5 The Employer shall act upon recommendation within sixty days of its receipt.

## **7.0 ACTION FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE**

7.1 Where the IC arrives at a 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 Aggrieved Woman or any other person who has made the Complaint in accordance with the provisions of the applicable service rules or where no such service rules have been made, in accordance with the provisions of Clause 6.4.

*Provided* that a mere inability to substantiate a Complaint or provide adequate proof need not attract action against the Complainant under this Clause.

*Provided* further that the malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

7.2 In case the IC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Employer of the witness to take action against the witness in accordance with the provisions of Clause 6.4.

8.0 For the purpose of determining the sums to be paid to the Aggrieved Woman, the IC shall have regard to:

- (a) The mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman;
- (b) The loss in the career opportunity due to the incident of Sexual Harassment;
- (c) Medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) The income and financial status of the Respondent;
- (e) Feasibility of such payment in lump sum or in instalments.

9.0 Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the Complaint made under Clause 4, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to and inquiry proceedings, recommendations of the IC and the action taken by the Employer under provisions of the Policy shall not be published, communicated or made known to the public, press and media in any manner.

*Provided* that information may be disseminated regarding the justice secured to any victim of Sexual Harassment under this Policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Woman and witnesses.

10.0 In case any person contravenes the provisions of Clause 9 above, he shall be liable for penalty of Rs. 5,000/- as penalty from such person.

## **11.0 APPEAL**

11.1 Any person aggrieved from the recommendations made under the provisions of this Policy or non-implementation of such recommendations may prefer an appeal within 90 days of the recommendations to the court or tribunal in accordance with the service rules applicable to the said person or where no such service rules exist then without prejudice to provisions contained in any other law for the time being in force, to the appellate authority notified under Clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946.

## **12.0 OTHER POINTS**

12.1 The Employer shall provide all necessary assistance to :

- (i) Provide a safe working environment at which shall include safety from persons coming into contact at the Workplace.
- (ii) Display at conspicuous place in the Workplace, the penal consequences of Sexual Harassments and the order constituting the IC.
- (iii) Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Policy and orientation programmes for the members of the IC in the manner prescribed.
- (iv) Provide necessary facilities to the IC for dealing with the Complaint and conducting an inquiry.
- (v) Assist in securing the attendance of Respondent and witnesses before the IC.
- (vi) Make available to the IC such information as it may require having regard to the Complaint made.
- (vii) Provide assistance to the woman if she so chooses to file a Complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- (viii) Cause to initiate action, under Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Aggrieved Woman so desires, where the perpetrator is not an employee, in the Workplace at which the incident of Sexual Harassment took place.
- (ix) Treat Sexual Harassment as a misconduct under the service rules and initiate action for such misconduct.
- (x) Monitor timely submission of reports by the IC.

The Employer will strive to make compliances under Rule 13 of the prescribed Rules.

### **13. PREPARATION OF ANNUAL REPORT**

13.1 The IC shall prepare an annual report in accordance with Section 21 of the Act which shall contain the following details on all complaints of this nature at the end of the year:

- (a) Number of complaints of sexual harassment received in the year;
- (b) Number of complaints disposed off during the year;
- (c) Number of cases pending for more than ninety days;
- (d) Number of workshops or awareness programme against sexual harassment carried out;
- (e) Nature of action taken by the concerned Officers of the Company.

The annual report will be submitted to the Employer. At every location, it will be the duty of the IC of that respective location to file the annual report with the District Officer notified under Section 5 of the Act by the appropriate Government.

13.2 The Employer shall include the number of cases filed and their disposal under this Act in the annual report of the Company

13.3 The Employer shall include a statement in its Board's Report that the Company has complied with the provisions relating to constitution of Internal Committee under the Act.

#### **14.0 Protection against Retaliation:**

Retaliation is a serious violation of this policy. The Company forbids any form of retaliation against anyone who has reported a suspected episode of harassment or has cooperated in any investigation involving a reported case. (Examples of retaliation may include – but are not limited to - threatening a negative action on terms of employment, unsubstantiated negative performance evaluation, continued harassment in any form, discriminatory treatment or failure to provide or consider individual concerned for a Company benefit or for a warranted role, title, training or promotion).

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.