

PADMAPANI SOCIETY FOR HUMAN EXCELLENCE

Hyderabad, Telangana State

Anti- Sexual Harassment policy

I. General Policy

This policy is applicable to **Padmapani Society for Human Excellence** (PSHE) Governing Members, employees, outreach workers, contract workers, probationer, trainee, *internship* students, visitors, monitoring officers, donor agency/funding organizations and apprentice including a contractor working with registered office.

The organization reserves the right to change, modify, amend or cancel any or all provisions of this Policy.

If there is any discrepancy between this Policy and the terms and conditions of employment signed by the employee or the compulsory provisions of the applicable laws, then applicable laws will prevail. This Policy and its rules will be valid with immediate effect and will hold valid unless changed or specified otherwise.

II. Policy Objective

The purpose of this Policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

III. Premise

Implementation of guidelines and norms prescribed as per “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereon” (applicable to whole of India) which have been enacted for providing protection against sexual harassment of women at work place and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

IV. Definition

The organization strictly prohibits sexual harassment at all work places of the company. If any male employees found to be indulged in sexual harassment at work place of the organization, he will be strictly dealt with in accordance with the provisions of the law dealing with such offences.

1.1 Sexual Harassment

Sexual Harassment includes any one or more of following unwelcome acts or sexually determined behavior (whether directly or by implication) as:

- (i) Physical contact and advances
- ii) Demand or request for sexual favors
- (iii) Making sexually colored remarks
- (iv) Showing pornography
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- (vi) Implied or explicit promise of preferential treatment in her employment or
- (viii) Implied or explicit threat of detrimental treatment in her employment or
- (ix) Implied or explicit threat about her present or future employment status or
- (x) Interference with her work or creating an intimidating or offensive or hostile work environment for her or
- (xi) Humiliating treatment likely to affect her health or safety.

1.2 Employee

“Employee” means a person employed at office or field for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a consultant 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 coworker, a consultant, probationer, trainee, apprentice or called by any other such name.

1.3 Aggrieved woman or Complainant

“Aggrieved woman” or “Complainant” means 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 Respondent;

1.4 Respondent or Accused

“Respondent or “Accused” means a person against whom the aggrieved woman has made a complaint.

Where Sexual Harassment occurs to **PSHE** employees as a result of an act by a third party or outsider while on official duty. **PSHE** will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

V. Scope and effective date

The policy extends to all the employees of the Company and is deemed to be incorporated in service conditions of all Employees and shall come into effect from 10.01.2018.

VI. Internal Complaints Committee

The “Internal Complaints Committee” shall consist of a Director, and 2 other women Members. Out of these 3 Committee members, 2 shall be women and one of the women shall be the Chairperson. One of the Committee members shall be a woman from a reputed NGO /legal body / any other social work body familiar with the issues of sexual harassment. The tenure of the committee shall be 2 years & names of the committee members.

The Corporate HR Head / Ngo Director shall be the authority for disciplinary actions on issues relating to sexual harassment at the workplace.

VII. Meetings & Inquiries:

1. A Quorum of 3 members is required for proceedings to take place. The Quorum shall include Chairman and two others members one of which shall be a Women. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee so constituted, within a period of 10 days from the date of incident and in case of a series of incidents, within a period of one month from the date of last incident.

Where such complaint cannot be made in writing, any Member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing:

The Internal Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding one month, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.

2. The Committee will hold first meeting with the Complainant within five days of the receipt of the complaint, but not later than a week in any case.

3. A detailed statement of allegation shall be handed over to the person against whom the complaint is made either through post or personally within 5 days from end of first meeting.

4. The Person against whom the complaint is made shall reply in writing to the Committee within 7 days from receipt of statement of allegation.

5. The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.

6. A detailed enquiry shall be conducted by the Committee involving Complainant and the person against whom the complaint is made.

7. If the Complainant or the person against whom complaint is made desires any witness to be called, they shall communicate in writing to the Committee the names of witness whom they propose to call.

8. If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.

9. The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.

10. The Committee shall complete the enquiry and submit its report along with its recommendation to the Corporate HR Head within 2 months from the date of lodging Complaint.

11. Manager in consensus with the Board Management shall take suitable action which may include transfer/ disciplinary action/ termination of employment.

VIII. Conciliation & Settlement Process

The Internal Committee as the case may be before initiating an inquiry at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.

No monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation. The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent. Where a settlement is arrived at no further inquiry shall be conducted by the Internal Committee. Internal Committee, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker the Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable:

Where the aggrieved woman informs the Internal Committee, that any term or condition of the settlement arrived at as above has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or as the case may be, forward the complaint to the police

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 the findings before the Committee

IX. Punishment for false/ malicious complaints:

Where the Internal Committee, 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 woman or the person who has made the complaint , in accordance with the provisions of the service rules applicable to her or him or where no such service rules exists, in such manner as may be prescribed.

Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

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.

Where the Internal Committee, 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 in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

X. Procedure to determine the sums to be paid to the aggrieved woman only on following basis.

For the purpose of determine the sums to be paid to the aggrieved woman, the Internal Committee, shall have regard to-

- 1) The mental trauma, pain, suffering and emotional distress caused by the aggrieved women;
- 2) The loss in the career opportunity due to the incident of sexual Harassment;
- 3) Medical expenses incurred by the victim for physical or psychiatric treatment;
- 4) The income and financial status of the respondent; 5) Feasibility of such payment in lump sum or in installments.

XI. Duties of Organization:

- 1) provided a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- 2) Display at any conspicuous place in the workplace, the penal consequences of sexual Harassment and the order constituting, the internal committee.
- 3) Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- 4) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- 5) Assist in securing the attendance of respondent and witnesses before the internal committee;
- 6) make available such information to the Internal Committee, as it may require having regard to the complaint made;
- 7) 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;
- 8) Cause to initiate action ,under the 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

9) Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct;

10) Monitor the timely submission of reports by the Internal Committee.

XII. Confidentiality

Every effort will be made to protect the Complainant's identity, subject to legal constraints.

XIII. Reports and Registers

1. The committee shall maintain a register entering the details of the complaint received confidentially and shall be placed before the Manager on or before 31st March of each year.

2. The Committee shall analyze and put up report on all complaints of this nature at the 31st March each year for submission to Corporate HR Head.

3. In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.