



Guidelines for prevention and prosecution of acts of sexual harassment at workplace

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REFERENCE: Provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules framed thereunder.

A. POLICY STATEMENT

I. OBJECTIVES

1. Ashiana Housing Limited including its subsidiary and associated companies (*Collectively referred to as "The Company" in this policy document*), is committed to providing all its employees an environment free from gender-based discrimination and harassment. In furtherance of this commitment, the Company strives to provide all its employees an equal opportunity condition of employment, free from gender-based coercion, intimidation, or exploitation and to create a work environment where everyone has an opportunity to fully participate in achieving business success and is valued for the distinctive skills, experiences and perspectives employees bring to the workplace. The Company has zero tolerance for harassment, intimidation or humiliation of a sexual or gender-based nature in its workplace and is dedicated to ensure enactment, observance and adherence of guidelines and best practices that prevent and prosecute acts of sexual harassment.
2. Sexual harassment including discrimination or intimidation of a sexual or gender-based nature by or towards any employee in the workplace will not be condoned. The Company will not tolerate retaliation in any form against personnel for raising sexual harassment complaints or concerns.
3. This Policy applies to all allegations of sexual harassment made by any employee of the Company against another employee irrespective of whether sexual harassment is alleged to have taken place within the Company premises or in any other place visited by such employee for work. All actions prohibited for an employee of the Company by this Policy are also prohibited for all individuals who are on the Company premises or on any other property where the Company conducts its business. If an individual commits an act in violation of this Policy, whether an employee of the Company or a third party interacting with the Company, the Company will take appropriate remedial measures under the circumstances, including measures to mitigate the potential for repetition, and to discipline any of its employees who may have participated in such conduct, or may have failed to stop such conduct when he or she had actual knowledge of such conduct and the authority to do so.

II. DEFINITIONS AND EXAMPLES OF SEXUAL HARASSMENT

1. Sexual harassment is defined under this Policy as any conduct that is unwelcome and sexual in nature, whether direct or indirect, including physical contact and advances, a demand or request for sexual favors, making sexually colored remarks, circulating obscene content by email, SMS or WhatsApp message, showing pornography, or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. When any such act or acts are committed in circumstances where such conduct is humiliating and

is likely to constitute a health and safety problem, it will amount to sexual harassment that violates this Policy.

2. Sexual harassment may occur as a single incident or a series of incidents and may include, but will not be limited to the following which may interfere with an individual's performance by contributing to the creation of an intimidating, hostile or offensive environment:
 - (a) Implied or explicit promise of preferential treatment in employment, or
 - (b) Implied or explicit threat of detrimental treatment in employment, or
 - (c) Implied or explicit threat of detrimental treatment about present or future employment status.
3. Sexual harassment may be of two kinds: (1) indirect, also referred to as a "hostile work environment" and (2) direct, also referred to as a "quid pro quo".
 - (a) The indirect form of sexual harassment is one or more instances of unwelcome conduct that, taken individually or together, have the purpose or effect of (i) creating an intimidating, hostile, or offensive work environment, and (ii) unreasonably interfering with another's work performance. Examples of this type of sexual harassment include pornography in public places, foul language or joking of a sexual nature. This form of sexual harassment does not need to be directed at any employee in particular.
 - (b) Sexual harassment by one in a position of power or influence constitutes direct, or quid pro quo, sexual harassment when (i) submission by an individual is made either an explicit or implicit term or condition of employment, or (ii) submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotions, demotions, salary raises, hiring or termination.

B INTERNAL COMMITTEE (IC)

1. IC's will be set up by the Company in accordance with the provisions of law, to deal with all cases of alleged sexual harassment whether escalated to it by any Company employee or taken up Suo- moto by the Company, to prevent and deal with sexual harassment and to otherwise implement the Policy.
2. **Confidentiality:** All parties, including IC members, witnesses, First point of contact, etc. are mandated to maintain confidentiality of the complaint, proceedings and outcome. A breach of the same attracts a monetary penalty.
3. **Filing a Complaint:** Any aggrieved employee may approach the IC with a complaint of sexual harassment under this Policy. The following steps will be followed in this regard:
 - (a) A complaint of sexual harassment is to be filed within a time limit of three (3) months. This may be extended to another three (3) months if the Complainant can prove that grave circumstances prevented them from doing the same within the stipulated time of three months.

- (b) An employee making a complaint ("Complainant") must give the complaint to the IC in writing along with supporting documents, names and addresses of witnesses and the said complaint will be afforded confidentiality as described in Section B.2.
- (c) No person against whom a complaint is made shall be part of the IC.
- (d) Within seven (7) working days of the receipt of the complaint, the IC has to send a copy of the complaint to the Respondent("Counter Party") who will have ten (10) working days to file reply along with list of documents, names and addresses of witnesses.
- (e) At the first meeting of the IC, the Complainant shall be heard and the IC may, before initiating an enquiry and at the request of the Complainant, take steps to settle the matter between the Complainant and the Counter Party through conciliation; provided there can be no monetary settlement as the basis of conciliation.
- (f) In case there is no request for conciliation or conciliation attempt fails, the IC shall proceed with the complaint and, if not already informed, approach the Respondent to inform them of the allegation in order to start the investigation.
- (g) Upon a written request from the Complainant, leave as per statutory provisions can be granted.

4. **Proceedings of the IC:** The IC is intended to be an independent, objective and unbiased fact-finding body established to investigate any complaints of sexual harassment in a fair, reasonable and time-bound manner in a neutral environment. The Committee shall conduct the enquiry in accordance with principles of natural justice. It will broadly be governed by the following principles in conducting its proceedings:

- (a) The IC shall give every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective cases and to ensure that the Complainant and the Counter Party have full opportunity to present their claims, witnesses and evidence which may establish or substantiate their claims.
- (b) Both the Complainant and the Respondent shall have the right to submit supporting evidence and shall have the right to name their respective witnesses, if any, to be examined by the IC.
- (c) If the Complainant or the Respondent fails, without sufficient cause, to be present before the IC for three (3) consecutive hearings, the IC will give a notice of fifteen (15) days to the concerned party before terminating the enquiry proceedings or giving an ex-parte decision on the complaint.
- (d) If considered appropriate by the IC, all meetings of the IC including with the Complainant, the Respondent or any witnesses shall be held outside the relevant office and at a neutral venue to ensure comfort of parties.
- (e) The Complainant, the Respondent or any other person that the IC meets with, interacts with or has a teleconference or video conference with, for the purpose of enquiry into any complaint of sexual harassment shall be bound by strict confidentiality as described in **Section B 2** above and each such party shall not be permitted to discuss the IC proceedings with any third person.

- (f) All the proceedings of the IC will be Documented via minutes of meeting and signed by all present at the meeting.
- (g) **Timelines:** The Committee is required to complete the inquiry within a time period of ninety (90) days from the date on which the Complaint is filed by the Complainant.
- The IC shall complete the enquiry and make a report of its findings on the Complaint and its recommendations to "Management" within a period of ten (10) days from the conclusion of the enquiry procedure set out above.
 - A copy of the findings will be shared with both parties.
 - Management shall take action within 60 days of receiving the report.
- (h) Upon a written request from the Complainant to support her in filing a police complaint, The IC shall extend the necessary support to facilitate such filing.

C IMPLEMENTATION OF RECOMMENDATIONS OF THE IC

- The Management shall consider the recommendations and findings of the IC and take a decision in relation to action to be taken as soon as possible.
- Management may issue such order or directions as it deems fit and shall inform the Complainant and the Counter Party of its decision.
- Management shall provide all necessary assistance to the IC for the purpose of ensuring full, effective and speedy implementation of the Policy. (Support during inquiry, support gathering evidence, etc.)

D PUNISHMENT FOR SEXUAL HARASSMENT

1. **Penalties:** If an employee is found to have violated this Policy, the Management shall take such action as may be appropriate action for misconduct by the employee under the Company policy. Such actions may include any of the following, or a combination of the below mentioned statutory actions

- Written apology
- Warning
- Counselling
- Withholding of promotion
- Withholding of pay rise or increments
- Termination of employment

2. **Compensation:** the Committee can also recommend monetary compensation in favour of the Complainant by way of deduction from the salary or wages of the Counter Party, in an amount that it may consider appropriate to be paid to the Complainant and in accordance with applicable law.

E. PROTECTION AGAINST VICTIMISATION

- (a) In the event the Respondent is the Complainant's supervisor/superior, the Company shall, during the pendency of the Complaint ensure that the reporting relationship is suspended, and that the Complainant is not subject to appraisal by the Counter Party.
- (b) The Company shall strictly prohibit any sort of retaliation against the Complainant or any witnesses. Any act of reprisal, including internal interference, coercion and restraint, by the Counter Party, whether directly or indirectly, will result in appropriate action against the Respondent by the Management in consultation with the IC.
- (c) Where the Respondent is an outsider, during the pendency of the investigation of the Complaint and even thereafter, if found guilty, the Respondent shall not be allowed to enter the Company premises except for the purpose of attending the IC proceedings.
- (d) In the event of the Respondent and the Complainant both being employees of the Company, and the Respondent is found to be guilty, irrespective of the penalty imposed, the Company shall ensure that the Counter Party shall not write the appraisal reports of the Complainant, if they are otherwise so authorized.
- (e) In the event, the IC after investigation of a Complaint in accordance with the procedure prescribed herein, concludes that the Complaint was false, frivolous or made with malafide intention by the Complainant including due to personal issues with the Counter Party, then the IC shall make such appropriate recommendations to the Management to take action against the Complainant, as may be necessary. Such actions may include those referred to in **Section D1** above.

F. INTERM RELIEF

During pendency of the inquiry, on a written request made by the complainant, the IC may recommend to the employer to:

- Transfer the aggrieved individual or the respondent to any other workplace; or
- Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
- Grant such other relief to the aggrieved individual as may found to be appropriate; or
- Restraint the respondent from reporting on the work performance of the complainant.

G. MODIFICATION AND REVIEW OF THE POLICY

The Company reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or otherwise with a view to revise the provisions of this Policy to the extent deemed necessary by the Company from time to time. Any such changes or modifications may be notified by the Company to its employees in due course.