



POSH - Prevention of Sexual Harassment of Women at Workplace



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Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

INTRODUCTION

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder (hereinafter "the Act"). Accordingly, while the policy is framed according to the mandates of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. Vehere Technologies Pvt. Ltd.(Vehere) is committed to create a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. Vehere is dedicated to maintaining an environment which is free from coercion and intimidation.

All complaints of sexual harassment shall be taken seriously by Vehere and shall be governed by this Policy.

Vehere is implementing this policy where any individual who experiences or witness behavior that violates this policy should promptly report the incident to the designated contacts. This policy applies to all employees of Vehere Technologies Private Limited, including permanent, temporary, contract, and trainees, and covers interactions within the Company's premises, at client locations, during official travel, and any work-related interactions, online or offline. This Policy is incorporated in the service conditions for all employees and comes into effect immediately.

DEFINITION

Any behaviour (physical, verbal, written, graphic, electronic, emotional, psychological or through gestures that offend) which has been defined as inappropriate by the Policy or "the Act", whether intentional or not, which offends the dignity of the person towards whom the behaviour is directed by fellow employee(s), supervisor(s), customer(s) or supplier(s) will be considered as sexual harassment and shall invite serious disciplinary action.

Sexual harassment would mean and include (whether direct or by implication) but not limited to any of the following:

1. unwelcome sexual advances, requests or demands for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any Vehere activity;
2. advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, indecent exposure, physical contact, sounds, display of pictures, intrusive questions about a person's private life or body, signs, insults or taunts based on sex, obscene communication, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
3. Eve teasing, innuendos and taunts, unwelcome invitations to go out, suggestive comments or jokes, physical confinement against one's will and likely to intrude upon one's privacy;
4. act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex, or interfering with their work;
5. humiliating treatment likely to affect the health or safety of a person belonging to the other sex;

6. conduct of such an act at work place or outside in relation to an employee of Vehere during the course of employment;
7. any unwelcomed gesture by an employee having sexual overtones;
8. physical contact and advances
9. a demand or request for sexual favours;
10. Staring, leering or unwelcome touching;
11. Suggestive comments or jokes;
12. sexually coloured remarks;
13. showing pornography;
14. any unwelcome sexual activity tied to employment decision or benefits;
15. any other unwelcomed physical, verbal or non-verbal conduct of a sexual nature.
16. implied or explicit threat of detrimental treatment in their employment arising due to sexual harassment

Sexual harassment may occur as a single incident or a series of incidents. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

1. Implied or explicit promise of preferential treatment in employment
2. Implied or explicit threat of detrimental treatment in employment
3. Implied or explicit threat about the present or future employment status
4. Interference with work or creating an intimidating or offensive or hostile work environment
5. Humiliating treatment likely to affect the health or safety of the employee.

DEFINITIONS

Aggrieved Women in relation to a Workplace, a women, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

Complaint: A complaint of Sexual Harassment lodged with the Internal Committee.

Complainant: An aggrieved women/female person who lodge a Complaint with the Internal Committee. Since the Vehere is adopting gender neutral policy, any employee including permanent, temporary, contract, and trainees, and covers interactions within the Company's premises, at client locations, during official travel, and any work-related interactions, online or offline can report the incident as defined above to the designated contacts. Complaints/incidents reported by the women shall be strictly heard and decided as per the procedure laid down in the "ACT". If any complaint or incident is reported by a man or third gender, Vehere shall decide the complaint as per grievance redressal mechanism/policy.

Employee(s) means a person(s) employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

Respondent means a person against whom a complaint of sexual harassment has been made by the complainant women under this policy.

Workplace is in addition to the place of work [Head office / Branch offices] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement, including transportation provided for undertaking such a journey.

ROLES & RESPONSIBILITIES

Responsibility of Employees

All employees of Vehere Technologies Private Limited are responsible for fostering a work environment that is free of sexual harassment. Any individual who feels that they have experienced or witnessed behavior that violates this policy should promptly report the incident to the designated contacts. It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint

Responsibility of Management

Vehere ensures that nobody is subjected to harassment and there is equal treatment. It is also ensured that all employees are made aware that harassment will not be tolerated; and that the complainant, respondent/s, or witnesses are not victimized in any way. In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. Only in exceptional case a verbal complaint shall be considered and the complaint will be reduced in writing by the receiver of the complaint and the complaint shall sign the same before initiating the complaint redressal process.

INTERNAL COMMITTEE FORMATION

Complaints of sexual harassment shall be dealt with by the Internal Committee ("IC"). The IC comprises of the following members:

- a) Presiding Officer (compulsorily woman employed at a senior level).
- b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
- c) 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.

REDRESSAL PROCEDURE AND MECHANISM

Complainant may submit a complaint in writing and inform any IC member. Complaints must be made by the complainant to any of the IC Member within 3 (three) months from the date of the incident.

Provided where complaint cannot be made in writing, the Presiding Officer or any Member of the IC, shall render all reasonable assistance for making the complaint in writing:

The IC, if find reasonable may further extend the time period for making a complaint to a further period of 3 (three) months;

Complaints can be made in person via phone/email/letter to the Presiding Officer or any of the committee members. Any oral communication should be followed up with a written communication.

Where the Aggrieved Person is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, their legal heir may make a complaint in writing to the IC.

The onus of lodging the complaint rests with the person aggrieved and such complaint shall be in writing to the IC at the earliest point of time.

In case it is found that any employee has lodged a false complaint, after the enquiry, the IC can take action against such person. Every employee who threatens or intimidates any person who has made a complaint under this policy or any witness thereof shall be liable for disciplinary actions as per the rules of Vehere.

FORMAL COMPLAINT REDRESSAL PROCEDURE AND MANNER OF INQUIRY

1. Where a complaint is received by the IC and the complainant opts for a formal recourse, the IC members shall within 7 working days of receiving the complaint, interview both the parties and record findings of the incident (in case no settlement has been reached between the complainant and the respondent).
2. While conducting the inquiry, a minimum of 4 (four) members of the IC including the Chairperson and external member shall be present and majority of the members shall be comprised of women members
3. IC members shall discuss the complaint and the report shall be submitted to the Chairperson for her to scrutinize the findings in support of complainant's contentions.

4. The IC shall give an opportunity of being heard and of making representations before the IC to the respondent.
5. Copy of findings shall be made available to both the employees (complainant and respondent), enabling them to make representations against the findings.
6. The IC shall make inquiry into the complaint in accordance with principles of natural justice.
7. IC to document all investigations and findings in writing.
8. The IC shall have the same powers as that of a Civil Court as per the provisions of the Civil Procedure Code, 1908, including the following:
 - a) Summon and enforce the attendance of any person and examining him/ her on oath;
 - b) Require discovery and production of documents; and
 - c) Any other matter which may be prescribed.
9. At the time of filing the complaint, the complainant shall submit 6 (six) copies of complaints along with supporting documents and addresses of witnesses.
10. IC shall send a copy of the complaint received from aggrieved to the respondent within 7 (seven) days of verification of such complaint.
11. The respondent shall file a reply to the complaint and supporting documents within 10 (ten) days of receiving the documents.
12. The IC shall give an opportunity to complainant and respondent of being heard and make representations before the IC.

INQUIRY REPORT

- The IC shall provide a report of its findings to the Organization within 10 (ten) days from the date of completion of the inquiry.
- Where the IC finds that no action is required to be taken, then it shall communicate the same to the organization
- Where the IC concludes that the allegation made by the complainant is true, it shall recommend to the organization
 - a) To take action for sexual harassment as per the service rules; or
 - b) To deduct from the salary of the employee as it may consider appropriate to be paid to the aggrieved; or
 - c) Organization shall act within 60 (sixty) days of receipt of recommendations from the IC.

DISCIPLINARY ACTIONS AND COMPENSATION

Where the IC arrives at the conclusion that the allegations against the respondent has not been proved it shall recommend to the organization that no action is required to be taken against the respondent.

The nature and severity of the action against the respondent will be in direct proportion to the seriousness of the offence. The IC, in case if it finds the allegations against the respondent to be true, shall recommend to the organization to take action against the respondent for the misconduct as it deems fit.

To deduct from the salary/ wages of the respondent such compensation as determined by it to be paid to the female member/ complainant or her legal heir or direct the respondent to pay the amount.

The compensation shall be determined by the IC keeping in mind the following:

1. Mental trauma, pain, suffering and emotional distress caused aggrieved caused to the aggrieved employee;
2. Loss to career opportunity due to the incident of sexual harassment;
3. Medical expenses incurred by the female member for physical or psychiatric treatment
4. Income and financial status of the respondent
5. Feasibility of such payment in lump sum or in instalments.

Such disciplinary action shall include, but not be limited to the following:

1. A letter of warning that will be placed in the personal file;
2. Written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increments, undergoing counselling sessions, carrying out community services;
3. Immediate transfer/ suspension with or without pay;
4. Dismissal/ termination from the services of VEH (wherein the respondent shall not be paid any compensation for the notice period); or
5. Any other action that the organization may deem fit.

The organization shall act upon the recommendations made by the IC within 60 (sixty) days of receipt.

In case the organization is unable to make such deduction from the respondent's salary / wages due to his being absent from duty or cessation of employment it may direct the respondent to pay such compensation.

In case the respondent fails to make the payment as directed by the organization then the IC may forward the order for recovery of sum as an arrear of land revenue to the concerned district officer.

For complaints, which the IC considers to fall outside its jurisdiction, for e.g. offences of a criminal nature, the applicable laws of India shall apply.

TERMINATION OF INQUIRY

IC may terminate the inquiry or give an ex-parte decision, if the committee don't find any merit in complaint or if the complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15- day written notice to be given to the party, before termination or ex-parte order.

MALICIOUS ALLEGATIONS

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved has made the complaint knowing it to be false or the aggrieved woman making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints. While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

CONFIDENTIALITY

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

TRAINING AND WORKSHOPS

Members of the IC shall compulsorily undergo the training program formulated against sexual harassment at workplace.

The training program and workshops conducted shall include, but not be limited to the following layout:

1. Understanding the paradigms of the Act and scope of definition of sexual harassment
2. Gender sensitization
3. Examples and case studies
4. Procedural intricacies
5. Orientation programs and seminars
6. Capacity building and skills building
7. Declare names and contact details of all members of IC
8. Complaint mechanism

Awareness about this policy shall be created by emails as well as displaying or notifying the salient features of the policy and names of members of the IC, in a suitable manner and employees will be free to raise issues relating to sexual harassment and the same will be discussed in meetings with the management.

All steps should be taken by the Company to inform third party personnel having business relationship with the Company about the existence and applicability of this policy. This may include display of this Policy at a conspicuous location

DUTIES OF THE IC

The IC shall function as an independent body and implement this policy.

1. The IC members to meet once in every six months and review the measures taken by the Company, to suggest enhancing the measures taken by the company to prevent any type of sexual harassment at workplace and recommend remedial measures.

2. Conducting inquiries in accordance with the procedures set out and ensuring compliance with the Act in all actions taken under, or in connection with, this Policy.
3. The IC shall handle complaints in a confidential manner and within a time-bound framework.
4. The IC shall be objective and will respect the dignity and confidentiality of the persons involved.
5. Understand & determine if the complaint falls under the sexual harassment purview and then proceed further.
6. In case of formal inquiry process, help or support the aggrieved to put the case in writing.

Annexure-A

The Internal Committee shall comprise of the following members:

Sr. No.	Members Name	Designation	E-mail id and Contact Numbers
1	Ms. Eisha Singh	Presiding Officer	eisha.singh@vehere.com , +918283801919
2	Mr. Vikash Mehrotra	Member	vikash.mehrotra@vehere.com , +919830547109
3	Mr. Nirbhaya Mishra	Member	nirbhaya.mishra@vehere.com , +919810856544
4	Ms. Rashmi Gupta	External Member	rashi.1980@gmail.com , +919643718789
5	Ms. Shachi Jain	External Member	shachij@gmail.com , +918800544256

EMAIL ID TO CONTACT INTERNAL COMMITTEE: posh@vehere.com