



Prevention of Sexual Harassment Policy

16-May-2022

Table of Contents

- 1. *Introduction*..... 3
- 2. *Scope* 3
- 3. *Policy Statement*..... 3
- 4. *Definitions*..... 3
 - I. *Sexual Harassment*..... 3
 - II. *Employee* 4
 - III. *Workplace* 4
- 5. *Internal Committee* 5
- 6. *Objectives of Internal Committee*..... 5
- 7. *Guidelines for the IC*..... 5
- 8. *Guidelines for employees* 6
- 9. *Procedure for raising a complaint*..... 6
- 10. *Redressal Process*..... 7
 - I. *Conciliation* 7
 - II. *Enquiry into complaint* 7
- 11. *Action during pendency*..... 8
- 12. *Inquiry report*..... 9
- 13. *Punishment for false or malicious complaint and false evidence*..... 9
- 14. *Protection to complainant/witnesses* 10
- 15. *Duties of the employee* 10
- 16. *Duties of the employer*..... 10
- 17. *Confidentiality*..... 11
- 18. *Appeal*..... 11
- 19. *Support through counseling*..... 12

1. Introduction

Resulticks recognizes the importance of a workplace free of harassment and the need to provide a workplace that is safe for its employees where they can utilize the work potential in a productive and fulfilling manner. An environment of mutual trust and respect is the cornerstone of this policy

2. Scope

This policy applies to all employees of **Resulticks**, hereinafter known as “the Company”, across all its offices in India

3. Policy Statement

The company has zero tolerance to harassment at workplace and is committed to providing a workplace free of harassment, including sexual harassment. The company is also committed to protect the dignity and respect of every employee

This document is based on the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”, hereinafter known as “the Act” and will form as the guideline for creating a workplace free of sexual harassment.

4. Definitions

I. Sexual Harassment

Sexual harassment is defined under the Act. According to that Sexual Harassment includes any unwelcome sexually determined behaviour (whether directly or by implication) such as:

- i) Physical contact and advances
- ii) Demand or request for sexual favours
- iii) Sexually coloured remarks
- iv) Display of pornography
- v) Any other unwelcome physical, verbal or non-verbal conduct of a 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 employment; or
- ii) Implied or explicit threat of detrimental treatment in employment; or
- iii) Implied or explicit threat about present or future employment status; or

- iv) Interference with work or creating an intimidating or offensive or hostile work environment; or
- v) Humiliating treatment likely to affect health or safety of the employee

Sexual Harassment in a **Remote/Virtual workspace**

- i) This includes making statements or questions of a sexual nature during conference calls or video meetings, including unwanted flirtatiousness or romantic advances, even if not sexually explicit.
- ii) Subjecting viewers or listeners to sexual content during remote meetings, even if accidental.
- iii) Sending digital messages that are sexually suggestive or explicit, including, but not limited to e-mails, chats, or text messages that contain comments, requests, jokes, pictures, GIFs or even emojis.
- iv) Sending messages or posts via popular apps such as Facebook, Instagram, Snapchat or even online dating platforms.
- v) Using inappropriate terms, words, language in official chat, forum, emails etc.,
- vi) Placing a person in spot during virtual meetings even when it is not required in the context of the discussion.
- vii) Explicit gestures, tone resulting to a hostile/unwelcome environment to the employee.

This is only an indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

II. Employee

Employee means any person employed at the company on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with/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, trainee, apprentice or called by any other such name, at the workplace or at client sites.

III. Workplace

Workplace includes -

- i) All offices or other premises where the Company's business is conducted
- ii) Any other site away from the Company's premises, where company related business is conducted
- iii) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations
- iv) Any place visited by the employee arising out of or during the course of employment

- v) Any transportation provided by the company for undertaking a business trip or commute from home to workplace and vice versa

5. Internal Committee

In order to prevent sexual harassment at the workplace and for redressal of complaints made by the Complainants in a time bound manner, an Internal Committee (“IC”) is constituted within the Company, as stipulated in the Act.

6. Objectives of Internal Committee

- i) To create awareness on the rights of employees against sexual harassment.
- ii) To prevent sexual harassment at the workplace
- iii) To conduct enquiry on any complaint/s received from employees and for ensuring time bound treatment of such complaints.
- iv) To provide procedure for the resolution, settlement, or prosecution of acts of sexual harassment by taking all steps required.

7. Guidelines for the IC

- i) The Internal Committee will comprise of the following members out of which at least 50% members will be women:
 - a) Presiding officer (woman at senior level)
 - b) One member from amongst the NGO or associations committed to the cause of women or familiar with the issues relating to sexual harassment
 - c) Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
- ii) The meetings of the Committee will require 3 members to be present, including presiding officer and external member.
- iii) Any vacancy caused among the Committee members, shall be filled by fresh appointments, or as mutually decided by other members to fulfill the requirements of the Act.
- iv) The Presiding Officer and every member of the Committee shall hold office not exceeding 3 years, from the date of their nomination.
- v) The Committee may investigate any complaint received from an employee.
- vi) Final decision and recommendation regarding the complaint, shall rest with the Committee.

vii) Accordingly, the Committee will consist of members as mentioned in Annexure I.

8. Guidelines for employees

- i) Often sexual harassment goes unpunished mostly because of hesitation on the part of employees to report such behaviour out of a sense of shame or fear or both. It is important for employees to report any behavior that they know is unwelcome and unacceptable. The Internal Committee at the Company has been set up with the aim of providing employees a platform to complain about any unwelcome behaviour that is sexual in nature.
- ii) Employees are requested to ensure the following:
 - a) Be aware of your Policies and attend Prevention of harassment training to keep yourself updated. Ensure your actions and comments are not impacting your colleagues in anyway.
 - b) If you are a victim,
 - a) Do not feel a sense of shame. Tell the harasser very clearly that you find their behaviour offensive and you want them to STOP immediately.
 - b) Do not ignore the harassment in the hope that it will stop on its own. Register a formal complaint if the behavior persists.
 - c) Keep a written record of all incidents of sexual harassment. If you feel the need to register a formal complaint later, this record will be helpful.
 - c) If you are a Witness, do not ignore the harassment. Be an Ally, stand up, speak up and show up for the victim. Report the behaviour to the internal committee immediately.
 - d) Sexual harassment is a crime and by reporting, you are creating a safer a workplace.
 - e) When in doubt reach the Internal committee's support.

9. Procedure for raising a complaint

- i) The complainant may make, in writing, a complaint of sexual harassment at workplace to the IC within a period of 3 months from the date of incident and in case of series of incidents, with in a period of 3 months from the date of last incident.
- ii) Complaints recorded in an email, need to be sent to posh@resulticks.com Where the complainant is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, their representative may make a compliant to the IC.
- iii) If a complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee shall provide all reasonable assistance to the employee to make the complaint in writing.

- iv) The Internal Committee may extend the time limit not exceeding 3 months, if it is satisfied that the circumstances prevented the employee from filing a complaint within the said period. The reasons for the same need to be recorded in writing.
- v) Upon receipt of a complaint, the IC needs to respond to or hold a meeting with the Complainant within 5 days.
- vi) Within 7 days of receiving the written complaint, the IC needs to inform the alleged respondent in writing that a complaint has been filed against them. The IC in its intimation shall inform about the nature of allegations leveled against them by the Complainant.

10. Redressal Process

I. Conciliation

- i) For minor complaints, before initiating an inquiry and at the request of the Complainant, the IC may take steps to settle the matter between complainant and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- ii) If a settlement has been arrived at, the IC needs to record the settlement and forward the same to the employer of the company to take action as specified in the recommendation.
- iii) The IC needs to provide the copies of the settlement, as recorded, to the Complainant and the respondent.
- iv) Where a settlement has been arrived at, no further inquiry needs be conducted by the IC.
- v) However, in the event
 - a) no conciliation is requested for by the Complainant, or
 - b) no settlement has been arrived at between the parties, and / or
 - c) if the Complainant informs the IC that any term or condition of the Settlement arrived at earlier has not been complied with, then, the IC, in the above situations, needs to proceed to inquire into the complaint.

II. Enquiry into complaint

- i) In case where a settlement is not feasible or could not be arrived at through conciliation, the IC shall within a period of 2 weeks from the completion of any mediation process will conduct an inquiry into the complaint and complete the enquiry within 90 days from the date of receipt of the complaint.
- ii) Additionally, an inquiry may also be initiated if the aggrieved person informs the IC that any terms of settlement has not been complied with by the respondent.

- iii) The IC within seven working days of receiving the complaint shall forward one copy thereof to the respondent, for obtaining a response.
- iv) The respondent within ten working days of receiving the complaint shall file their reply to the complaint along with a list of supporting documents, names and addresses of witnesses.
- v) The IC shall consider the reply from the respondent and initiate an inquiry.
- vi) The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the IC.
- vii) The IC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.
- viii) If both parties involved are employees, they will be given an opportunity of being heard and a copy of the findings shall be made available to both, enabling them to make representation against the findings before the committee, during inquiry.
- ix) In conducting the inquiry, a minimum of three members of the IC including the Presiding Officer shall be present.
- x) In the event of a failure to attend a personal hearing before the IC by the complainant or the respondent on three consecutive dates (intimated in advance), the IC shall terminate the inquiry proceedings or give an ex-parte decision. However, the IC shall serve a notice in writing to the party(ies) 15 days in advance, before such termination or the ex-parte order.
- xi) At the commencement of the enquiry the IC will explain to both the complainant and respondent the procedure which will be followed in the enquiry.
- xii) No observations regarding the work and behaviour of either the complainant or respondent will be made which are not related to the alleged act of sexual harassment. However, the IC may consider as relevant any earlier complaints of sexual harassment against the respondent or false complaints against the complainant. The Committee will also consider the various myths and facts in relation to Sexual Harassment so as to give a well-thought-out decision.

11. Action during pendency

- i) During the pendency of an inquiry, on a written request made by the Complainant, the IC may recommend the Company to:
 - a) Transfer the Complainant or the respondent to any other workplace; or
 - b) Request the Complainant or the respondent to work from home; or
 - c) Grant leave to the Complainant up to a period of 3 months

- ii) The final decision, however, is left solely to the discretion of IC and the Company.
- iii) The leave granted to the Complainant will be in addition to the leave they would be otherwise entitled to.

12. Inquiry report

- i) All proceedings of the IC will be recorded and along with the statement of witnesses shall be endorsed by the complainant and respondent. The refusal to endorse the same by either party shall be noted by the IC.
- ii) On the completion of the enquiry, the IC will submit a written report to the Company within a period of 10 days from the date of completion of the enquiry and made available to the concerned parties. The enquiry report shall specify the details of the charges against the respondent, the evidence led in the enquiry and the reasons based on which the Committee has reached its decision.
- iii) If the IC forms the opinion that the respondent has indulged in sexual harassment in the workplace, an appropriate disciplinary action would be taken against them by the Company irrespective of their status in the Company. Disciplinary action will be initiated by Human Resources Department within 60 days from the date of receipt of the recommendations from the IC and may include any of the following:
 - a) The services of the employee would be terminated, or such action would be initiated as recommended by the IC
 - b) Where such conduct amounts to a specific offense under the Indian Penal Code or under any other law, a complaint will be made to the appropriate authority so that action in accordance with the prevailing law can be taken
 - c) Transfer of the complainant or the respondent, if the Company deems fit to do so based on the recommendations of the IC
 - d) To deduct from the salary of the respondent such sum as it may consider appropriate to be paid to the complainant

13. Punishment for false or malicious complaint and false evidence

- i) If an employee is found to have raised a false complaint, then severe action will be taken against the employee. This may include verbal warning or suspension or termination from services of the Company as recommended by the IC.
- ii) A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.
- iii) 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.

- iv) In case the IC arrives at a conclusion that during an inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Company to take action in accordance with the provisions of the service rules applicable to the employee. This may include verbal warning or suspension or termination from services of the Company as recommended by the IC.

14. Protection to complainant/witnesses

- i) The Company will ensure that Complainants and witnesses will not be victimized or discriminated against because of their complaint.
- ii) Any form of unwarranted pressures, retaliation, victimization or any other type of unethical behavior by the alleged respondent against the Complainant and / or witnesses shall be reported immediately to the IC.
- iii) In case of genuine complaints, the IC may recommend to the Company, to take appropriate disciplinary action.
- iv) The Company will ensure that Complainant or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

15. Duties of the employee

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

16. Duties of the employer

The Company will take proactive measures to sensitize its employees about the need for appropriate workplace conduct

- i) Provide a safe working environment at the workplace which shall include safety the persons coming into contact at the workplace
- ii) Display at any conspicuous place in the workplace, the consequences of sexual harassment and the order constituting the IC
- iii) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and conduct orientation programs for the members of the IC in the manner as may be 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 such information to the IC as it may require having regard to the complaint made
- vii) Provide assistance to the employee, if they so choose to file a complaint in relation to the offense under the Indian Penal Code or any other law for the time being in force
- viii) 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 Complainant 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 the timely submission of reports by the IC

17. Confidentiality

The Company understands that it is difficult for the Complainant to come forward with a complaint of sexual harassment and recognizes the Complainant's interest in keeping the matter confidential.

To protect the interests of the Complainant, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

It is the duty of all the parties concerned i.e., the Complainant, alleged respondent and / or any of the witnesses to maintain utmost secrecy and confidentiality with respect to the identity of the Complainant, details of the complaint, inquiry proceedings, findings, recommendations and action taken by the Company.

18. Appeal

If a complainant feels that the action taken pursuant to the complainant's complaint of sexual harassment does not fully or properly deal with the allegations levelled in their complaint, they can bring the same to the notice of the Committee, which would then re-evaluate it accordingly on receipt of such other evidence. If the complainant or the respondent desires to examine any witnesses, they shall submit in writing/email to the Committee the names of witnesses whom they propose to examine. An appeal may be done on within a period of 90 days of the recommendations.

19. Support through counseling

The Company shall assist the persons affected by cases of sexual harassment, through counselling by independent professionals / specialists / bodies, as deemed fit.

Annexure 1

POSH Committee List		
Chennai		
Name	Title	Email
Vandana Prabhakar	Presiding Officer	pvandana@resulticks.com
Balaji Sankara Saravanan V	IC Member	vbalaji@resulticks.com
Anuradha Sriraman	IC Member	anuradha.sriraman@resulticks.com
Kurinji Micheal	External Member	Kurinji.michael@gmail.com

The Company reserves all rights to making changes to this policy at its sole discretion which when affected, the impacted stakeholders will be notified.