

**POLICY ON PREVENTION AND REDRESSAL OF
SEXUAL
HARASSMENT IN THE WORKPLACE
FOR
ABLE & WEAL PRIVATE LIMITED**

1. INTRODUCTION

Able & Weal Private Limited (“the Company”) is very scrupulous about the working environment at any of its offices. The Company strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. The Company also believes that all Employees (as defined hereinafter) have the right to be treated with dignity and respect.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed thereunder, the Company has framed this Policy on the Prevention of Sexual Harassment (this “Policy”).

The objective of the policy is to create a healthy working environment that enables Employees to work without fear of prejudice and gender bias with a proactive approach to restrict and deter unwarranted advances of the opposite sex at the work place be it from subordinates / colleagues or higher up’s. This policy strives:

- To promote Zero Tolerance to Sexual Harassment (as defined hereinafter) through prevention, resolution and deterrence of the acts of Sexual Harassment.
- To provide a work environment free from fear, intimidation, humiliation, reprisal, coercion, discrimination and harassment of sexual nature.
- To provide procedures for resolution, settlement or prosecution of complaints in a fair way and reach a reasonable decision in a timely manner.

2. THE LAW

The Supreme Court of India laid down certain guidelines (“**Anti Harassment Guidelines**”) in its judgment in the case of **Vishaka v State of Rajasthan** (1997) 7 SCC 323 (‘**Vishaka Judgment**’) to formulate effective measures to check the evil of sexual harassment of working women at all work places. The Vishaka Judgment illustratively laid down what would constitute sexual harassment at workplace and in that regard, specified the duties of the employer. These duties *inter alia* include taking initiatives towards prevention of sexual harassment of the women employees at workplace and creating awareness of their rights in context of such sexual harassment. Rightly described as a landmark judgment by the National Alliance of Women, the Vishaka Judgment laid down the foundation stone for juridical thought and process for preventing sexual harassment of women at workplace.

The Parliament of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the “**Act**”) to codify the spirit and intent of the Anti Harassment Guidelines. The Act came into force in 2013, codifying the protection available to women employees against sexual harassment vide the Vishaka Judgment and laying down mechanisms for prevention of sexual harassment and redressal of Complaints, beside matters connected therewith or incidental thereto.

The Act is to be strictly observed in all workplaces. The Act derives its powers from Article 14, 15 and 21 of the Constitution of India and is meant to be applied by all courts within the territory of India when dealing with matters involving sexual harassment in the workplace.

3. SCOPE OF THE POLICY

This Policy shall apply to all Employees of Able & Weal Private Limited whether at the office(s) or elsewhere.

This Policy shall apply to all allegations of Sexual Harassment made by an Employee, against another Employee, occurring or having occurred within or outside the premises of the Company, including allegations made by Employees on overseas programs and trainings and/or during the course of an Employee's employment with the Company. This Policy shall apply in respect of any act of Sexual Harassment which may have been committed in any place visited by any Employee, travel to such place having been occasioned by or arising out of, during or in the course of employment with the Company. The Policy shall also apply to all allegations of Sexual Harassment made by a third party against an Employee or vice versa, if such Sexual Harassment has occurred within the Company's premises or during the course of such Employee's employment with the Company.

This Policy is not intended to impair or limit the right of any Employee seeking a remedy available under law. Proceedings under this Policy shall continue notwithstanding any proceedings initiated by a Complainant (as defined hereinafter) against an alleged perpetrator under any law in force.

4. DEFINITIONS

Aggrieved Woman – means a female Employee who has experienced or has been subjected to any act of Sexual Harassment by another Employee or a third party

Complaint – means a complaint of Sexual Harassment lodged with the Internal Committee

Complainant – means an Aggrieved Woman who lodges a Complaint with ICC

Employee(s) – means a person employed at 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, trainee, apprentice or called by any other such name;

Internal Complaints Committee – means the Internal Complaints Committee constituted by Able & Weal Private Limited in accordance with the provisions of Section 4 of the Act for redressal of a Complaint;

Respondent – means a person against whom a Complaint is made by an Aggrieved Woman.

Sexual Harassment - includes any one or more of the following unwelcome behaviours (whether directly or by implication) namely:

- Physical Contact & advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- 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:

- Implied or explicit promise of preferential treatment in her employment; or
- Implied or explicit threat of detrimental treatment in her employment; or
- Implied or explicit threat about her present or future employment status; or

- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

Sexual harassment in the workplace is generally of two distinct types.

Quid Pro Quo (Conditional) Sexual Harassment

“Quid pro quo” sexual harassment means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behaviour or speech is made a condition for employment or preferential treatment in employment. This kind of sexual harassment also occurs when refusal to comply with a “request of sexual favour” is met with retaliatory action such as dismissal, demotion, difficult working conditions etc.

Hostile working environment sexual harassment

Hostile working environment sexual harassment occurs where employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behaviour from the management or coworkers. This kind of behaviour makes the work environment of a woman employee hostile. This is for the reason that such conduct creates an intimidating, offensive, oppressive, abusive or humiliating work environment and which is severe and pervasive enough to interfere with her ability to work and perform.

Explanation of the word ‘*Unwelcome*’

Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been *unwelcome*. In other words, the complaining woman employee must have found the behaviour in question offensive, repulsive or repugnant. It is the impact and effect the behaviour or conduct has on the recipient that will define the behaviour as sexual harassment.

Annexure ‘A’ of this Policy provides a partial list of examples of behavior which may be found to constitute sexual harassment in the workplace.

5. INTERNAL COMPLAINT COMMITTEE (ICC)

The ICC shall comprise of the following members:

- Presiding Officer, who shall be a senior level woman Employee at the concerned office/branch of the Company. In case a senior level woman Employee is unavailable in other offices, the Presiding Officer shall be nominated from any other workplace of the Company;
- A minimum of two (2) members from those employees of the Company who preferably have experience in the field of social work or having legal knowledge; and
- One (1) member from any non-government organization or associations committed to the cause of women, or a person familiar with issues relating to sexual harassment.

The members of the ICC shall be nominated by the Board.

The ICC shall be empowered to deal with Complaints in the Company from the woman Employees of the Company.

The members of the ICC including the Presiding Officer shall hold office for not more than three (3) years, after which a new person shall be nominated.

The ICC shall in each calendar year prepare an annual report and submit the same with the Head HR;

If the Respondent is any member from ICC, then such Respondent will no longer be the member of ICC and such Respondent will be replaced by someone who will be appointed as may be nominated by Board.

6. REDRESSAL MECHANISM

Complaint of Sexual Harassment

The Aggrieved Woman makes a complaint directly to the Presiding Officer of the Internal Complaints Committee. The Presiding Officer should be able to try & solve the grievance informally before escalating the matter to the formal Committee within a period of three months from the date of incident.

Where an 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, (c) an officer of the National or State Commission for Women, or (d) any person who has knowledge of the incident, with the written consent of the Aggrieved Women.

Where an Aggrieved Women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (a) her relative or friend, or (b) a special educator, or (c) a qualified psychiatrist or psychologist, (d) the guardian, or (e) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (iv) of this paragraph.

Where an Aggrieved Women, 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 the written consent of the Aggrieved Women.

The Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved Woman from filing a complaint within the said period. Such complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name of the contravener. The information disclosed by such complainant should be treated as confidential information by the members of the Internal Committee.

If the Aggrieved Woman would like to initiate action under the Indian Penal Code, 1860 ("IPC"), she may inform the Company management of the same, and the management will provide necessary assistance to the Aggrieved Woman to file the complaint in relation to the offence under the IPC.

Conciliation

The Internal Complaints Committee may, before initiating an inquiry, at the request of the complainant take steps to settle the matter between her and the Respondent through conciliation. However, no monetary settlement shall be made the basis of the conciliation. Where a settlement has been arrived at as mentioned above, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the management of the Company to take action as specified in the recommendation and shall provide copies of the settlement to the complainant and the Respondent.

Inquiry into Complaint

The Internal Complaints Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable. Such an inquiry (with due conciliation as appropriate) shall be completed within a period of three months. Confidentiality of the complaint procedure will be maintained.

The Internal Complaints Committee shall proceed to make an inquiry into the complaint in accordance with the principles of natural justice and further during the course of inquiry provide an opportunity of being heard to the complainant and the Respondent and the relevant witnesses provided by the complainant and the Respondent.

Inquiry Report

On the completion of such inquiry, the internal committee shall provide the report of its findings to the Managing Director & CEO within a period of 10 days from the date of completion of enquiry and such report be made available to the concerned parties. The Managing Director & CEO shall act upon the recommendation within 60 days of its receipt.

In the event that the Internal Complaints Committee arrives at the conclusion that there is no case for Sexual Harassment, then the complaint may be dropped by the Internal Complaints Committee, and it shall notify the management of the Company of the same.

Penalties to Respondent

If the sexual harassment complaint is proved prima-facie right to the Internal Complaints Committee based on the material and/or witness verified by them, then the Committee will recommend to the Managing Director & CEO punishment to the Respondent in terms of:

- Warning in writing
- Immediate suspension from the services
- Immediate termination
- May immediately refer the case based on the gravity and merits of the case to the local police/judiciary

Punishment for false complaints

Where the Internal Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, appropriate punitive action may be taken by the Managing Director & CEO as per service rules applicable on recommendations of the committee.

7. Confidentiality

Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by the Company shall not be published, communicated or made known to the public, press and proceedings media in any manner.

8. The Management Assurance

- Express prohibition of sexual harassment will be notified and circulated.
- Prohibition of sexual harassment is included in the Service and Conduct rules of the company.
- As far as possible, care is taken to see that lady colleagues if sitting very late i.e. beyond 9.30 p.m. for official work, are escorted home or some arrangements are made for them to reach home safely.
- Complainants or witnesses will not be victimised or discriminated against while dealing with complaints.

ANNEXURE 'A'

SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE

A. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions.

B. Verbal Conduct

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities/behaviors
- Comments about a woman's physical attributes
- Spreading rumors about another person's sexual activities/conduct and/or partners
- Jokes which contain offensive, obscene or lascivious content
- Sexual advances / Sexual propositions
- Sexual innuendo or double entendres

C. Written Conduct

- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail.
- Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail.

D. Physical Conduct

- Unwelcome touching
- Sexual Assault
- Kissing / Hugging / Grabbing
- Coercing another person to participate in sexual intercourse or other sexual behaviors
- Impeding or blocking movements
- Any physical interference with normal work or movement.
- Sexual gestures