

PREVENTION REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE

hurixdigital

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1. OBJECTIVE

Hurix Systems Pvt. Ltd. Is committed to create a work environment in which all employees can work together without any apprehension of sexual harassment and to take all necessary steps to ensure that its employees are not subjected to any form of harassment. Sexual Harassment in any form is an offence under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and is therefore punishable as well. The policy is established to make the employees of the company aware of the preventive measures, compliance and forewarns them to desist from undue actions.

2. ENTITLEMENT

The policy (which is promulgated under the Act) covers sexual harassment of all employees of Hurix, its affiliates irrespective of whether they are permanent, contractual, trainees or interns irrespective of their gender and including those people as may be prescribed by law. Reference will be in accordance to the government order of The-Sexual-Harassment-of-Women-at-Workplace Act, 2013_23.04.2013 uploaded in Hurixnet.

3. DEFINITIONS

The "Company" here forth means Hurix Systems Pvt. Ltd.

"Sexual harassment", is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature. It includes inter alia the following unwelcome acts or behavior (whether directly or by implication):

- (a) Physical contact and advances.
- (b) A demand or request for sexual favours.
- (c) Making sexually coloured remarks.
- (d) Showing pornography.
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- (f) Implied or explicit promise of preferential treatment of a woman employee in her employment based on sexual favors.
- (g) Implied or explicit threat of detrimental treatment in her employment or threat about her present or future employment on denial of sexual favors.

- (h) Interference with the work of a lady employee or creating an intimidating or offensive work
- (i) Meting out humiliating treatment likely to affect her health or safety.

“Aggrieved Woman” shall mean a woman of any age who alleges to have been subjected to any act of sexual harassment.

“Respondent” shall mean a person against whom the aggrieved woman has made a complaint.

The workplace includes:

- (a) All offices or other premises where the Company's business is conducted.
- (b) All Company-related activities performed at any other site away from the Company's premises and in any place visited by the employee during the course and out of employment including transportation provided by the Company or availed of for company work, for undertaking such journey.
- (c) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

4. THE POLICY

- (a) No person shall be subjected to sexual harassment at workplace.
- (b) The Company is committed to providing a safe working environment at the workplace which shall include safety from all person/s with whom a woman comes into contact at the workplace.
- (c) The Company shall put in place an Internal Committee to deal with cases of sexual harassment in every office location that employs ten or more employees.
- (d) The Committee shall conduct an inquiry into all complaints received under this policy and make recommendations to the management on action to be taken.

5. GUIDING PRINCIPLES

Sexual harassment is an unwelcome act and cannot be justified in guise of a normal relationship and therefore it is advised that every aggrieved woman should:

- (a) Speak up at the right time and inform the harasser to stop the offensive behavior;
- (b) Put the harasser on notice that his/her behavior is offensive;
- (c) Firmly and clearly say “NO”;

- (d) Communicate to others and hold the harasser accountable for his actions;
- (e) In case of any injury or stress-related advice or psychiatric treatment, keep the record of the reports;

The role of other employees is also important who can not only help prevent the incidents of sexual harassment but assist the aggrieved person to defend and file the complaint. Below are a few steps that can be taken by the other employees:

- (a) Believe the aggrieved person.
- (b) Support and encourage to approach the senior managers of the Company and/or the Committee.
- (c) Approach the senior managers and inform about the incident.
- (d) Take responsibility to see that the sexual harassment is stopped.
- (e) Not to make offensive and disturbing statements to the aggrieved person.
- (f) Not to disseminate the information about the incident and keep it confidential.

6. INTERNAL COMMITTEE (“COMMITTEE”)

The Company has formed the following Committees

Location	Mumbai	Chennai	Pune
Presiding Officer	Namita Pasbola	Namita Pasbola	Preeti Jasnani
Member	Ghazala Ansari	Gokulnath B	Sagar Vairagkar
Member	Sanborn Colaco	Sridevi Palani	Anandarup Nandi
Member	Samir Sharif	Ravi S	Namita Pasbola
Independent non-employee Member	Deepam Yogi	Mahalakshmi Soundararajan	Aparna Joshi Khandwala
Contact Email ID	posh.mumbai@hurix.com	posh.chennai@hurix.com	Posh.pune@hurix.com

The aggrieved woman may approach the Committee members at the respective location. The Committee will follow the guidelines provided under the Act for filing the complaint. The locational Committee has been designated to receive all complaints, verbal or written,

of harassment on behalf of the Company. The Committee will be appointed for a period of three years.

7. POWERS & PROCEDURES OF THE COMMITTEE

- 7.1** The Committee shall exercise all such powers as mentioned in the Act & Vishakha Guidelines given by the Hon'ble Supreme Court of India which would include the powers to call the witnesses and ask for documents or any information from any employee.
- 7.2** The Committee shall have the power to issue interim directions to/with regard to any person participating in the proceedings before it.
- 7.3** The Committee shall have the powers to recommend to the Company, the actions to be taken against any person found guilty and grant such relief to the aggrieved woman.
- 7.4** The Committee shall direct the respondent employee(s) to prepare and submit a written response to the complaint/allegations within a period as the Committee may decide.
- 7.5** The Committee shall conduct the proceedings in accordance with the principles of natural justice and in keeping in mind the Organization's policies. It shall allow the parties reasonable opportunity of presenting their case along with their supporting documents. However, should the respondent choose not to participate in the proceedings, the Committee shall continue ex parte.
- 7.6** The Committee for the purpose of the inquiry may:
- (a)** Summon and enforce the attendance of any person and examine him/her on oath.
 - (b)** Require the discovery and production of documents;
- 7.7** During the pendency of an inquiry or on written request of the aggrieved woman, the Committee, may recommend to the organization to:
- (a)** Transfer the aggrieved woman or the respondent to any other location; or
 - (b)** Grant leave to the aggrieved woman up to a period of 3 months. The leave so granted shall be in addition to the leave she is entitled; or
 - (c)** Grant such other relief as may deem fit and reasonable by the Committee.

8. COMPLAINT PROCEDURE

A complaint is to be made in writing by an aggrieved woman within 3 months of the date of the incident. If the complaint cannot be made in writing by the aggrieved woman, the Presiding officer or any member of the Committee shall render all reasonable assistance to the woman to file the complaint in writing. The time limit may be extended for a further period of 3 months if, on account of certain circumstances, the woman was prevented from filing the complaint. If the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death, her legal heirs may do so.

Upon receipt of the complaint, the Committee must proceed forthwith to make an inquiry in accordance with the service rules applicable to the Complainant or in their absence, in accordance with rules framed under the Act.

9. CONCILIATION AND SETTLEMENT

Before initiating an inquiry, the Committee may, at the request of the aggrieved woman, take steps to arrive at a settlement between the parties. However, no monetary settlement can be made as the basis of such conciliation. Where a settlement has been arrived between the parties, the same shall be recorded by the Committee and copies will be given to the aggrieved woman and the respondent.

10. INQUIRY PROCESS

The inquiry must be completed as expeditiously as possible but in any case within a period of 90 days. Upon completion of the inquiry by the Committee, the Committee shall provide a report, of its findings to the Company within 10 days and the report will be made available to the concerned parties.

Where the Committee finds that the allegations against the respondent are proven, it may also recommend one or all the following to:

- (a) Take action for sexual harassment as a misconduct in accordance with the provisions of the applicable service rules or where no service rules exist, in accordance with rules framed under the Act;
- (b) To deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved employee or to his/her legal heirs.

The Company shall act on these recommendations within 60 days.

In case the respondent is a third party or any outsider, and not an employee of the Company, the Head of HR of the Company will take all necessary steps and assist the aggrieved woman in terms of support and preventive action and taking suitable recourse under the law.

During the inquiry, if the Committee observes that any witness has given false evidence or produced a misleading or forged document, it may recommend to the organization to take suitable action against such witness.

While determining the sums to be paid to the aggrieved woman, the Committee may have regard to:

- (a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) The loss in the career opportunity due to the incident of sexual harassment;
- (c) Medical expenses incurred by the victim for physical and psychiatric treatment;
- (d) The income and financial status of the respondent;
- (e) Feasibility of such payment in lump sum or in installments.

The Committee, the aggrieved woman and/or the Company can file a complaint with the jurisdictional police station, in the event the findings of the report are not adhered to by the respondent.

11. CONFIDENTIALITY

All information, proceedings, statements and any other material adduced as evidence and/or received from the aggrieved woman shall be strictly kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action by the Company. A note from the Inquiry Committee with a written recommendation of disciplinary action shall be filed in the files of both the aggrieved woman and the respondent. Only the information may be disseminated with regard to the justice given to the aggrieved woman, without disclosing the name or identity of the aggrieved woman.

12. FALSE OR MALICIOUS COMPLAINT

In case the Committee is of the view that a malicious or false complaint has been made, it may recommend that a penalty be levied on the complainant. However, an inquiry must be made in order to establish malicious intent. Also, mere inability to substantiate a complaint will not attract action.

13. GENERAL

The HR function and heads of all functions shall take responsibility to

- (a) Display at a conspicuous place like the Hurixnet / notice board, which is accessed by all employees in the workplace, the contents of this policy.
- (b) Organise workshops and awareness programmes.
- (c) Provide necessary facilities to the Committee for dealing with complaints and conducting inquiries.
- (d) Assist in securing the attendance of the respondent and witnesses before the Committee.
- (e) Make available such information to the Committee, as it may require.
- (f) Provide assistance to the woman if she so chooses to file a criminal complaint.
- (g) Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct as advised by the Internal s Committee (IC).

While this policy and The Act is specifically for women, any person, irrespective of their gender, who has been sexually harassed or is facing any kind of harassment from his/her associates or team members, can approach the Committee formed at their respective location. The aggrieved person can file the compliant in accordance with the policy and this policy shall be treated as guiding principles of Sexual Harassment at Workplace.

14. RESTRICTIVE CLAUSE

The management reserves the right to modify, delete, add contents to this policy at any point in time without prior intimation based on any amendments issued by the child and women ministry.