



E2E Networks Limited

**Policy Against Sexual Harassment
At Workplace**



POLICY FOR PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

PREMABLE:

Sexual Harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to promote the wellbeing of all women employees at the workplace, this policy is envisaged as under:

- a. It shall be the duty of the Management of the Establishment to prevent or deter the commission of any act of sexual harassment of women at the workplace.
- b. Sexual Harassment of women will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.
- c. The definition of sexual harassment of women will be as defined in section 2(n) of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as represented below: -

“Sexual Harassment of women” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), namely: -

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favors; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) 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: -

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



OBJECTIVE:

This policy has been formulated keeping in view the provisions under “The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013” (hereinafter referred to as SHWW Act) and its Rules notified on 09th December 2013 read with applicable provisions of the Repealing and Amendment Act, 2016. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto.

For any doubt or further clarification, reference is made to the SHWW Act and Rules.

This policy will extend to all employees of the Company including those employed on contractual basis. The policy also extends to those who are not employees of the Company, such as customers, visitors etc., but are subjected to sexual harassment at the Premises of the Company.

SCOPE:

The scope of Policy is restricted to the following for all associates:

- (i) Business location of the Company;
- (ii) Any external location visited by employees due to or during the course of their employment with the Company such as business locations of other Companies/ entities, guest houses etc.; and
- (iii) Any mode of transport provided by the Company for undertakes a journey to and from the aforementioned locations.

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

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.

ABBREVIATIONS:

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings: -

(i) Complainant Employee (CE):

Complainant Employee (CE) means aggrieved Woman [as per Section 2(a) of SHWW Act] of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the ‘RE’ (herein after referred to as ‘Respondent’).



(ii) Management:

Management means Company's Managing Director / Executive Director.

(iii) Respondent Employee (RE):

Respondent Employee (RE) means a employee against whom the aggrieved woman has made a complaint under section 9;

(iv) Workplace:

Workplace means the places referred in clause 2(o) of the SHWW Act and inter-alia includes every and all offices, branches and Depots located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking such journey.

(v) Special Educator:

A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

(vi) Internal Committee:

The Company has instituted Internal Committee for redressal of Sexual Harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints. However, pursuant to amendment in the SHWW Act name of the Committee is changed as “**Internal Committee**”.

Copy of complaint along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee at redressalcommittee@e2enetworks.com

Composition of Internal Committee:

The Internal Committee consist of the following members to be nominated by employer namely.

- a) a Presiding officer who shall be a woman employed at a senior level at workplace from amongst the employees;

Provided that in case a senior level woman employee is not available, the presiding officer shall be nominated from other offices or administrative units of the workplace.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;

- 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;

Provided that at least one-half of the total Members so nominated shall be women.



Further, the names and contact details of the members of the Internal Committee are displayed on the notice board. The maximum term of each member of IC shall be 3 (Three) years from the date of their nomination.

Quorum for conducting the Inquiry:

In conducting the inquiry, a minimum of three members of the Complainant Committee including the presiding officer or the chairperson, as the case may be, shall be present.

Responsibilities of the Internal Compliant Committee: The Complaint Committee is responsible for:

- Investigating every formal written complaint of sexual harassment
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Discouraging and preventing employment-related sexual harassment
- For the preparation and submission of the annual report prepared for each calendar year (*to be submitted to the District Officer or employer*) and maintain a record of such annual reports.

(vii) District Officer:

District officer means an officer notified by appropriate Government which may be District Magistrate or Additional District Magistrate or the Collector or Deputy Collector for every district to exercise powers or discharge functions under SHWW Act, 2013.

(viii) Witness:

Individuals who have been called upon by either the Complainant, Respondent or Committee to report their statements as part of the inquiry proceedings.

PROCEDURE FOR FILING A COMPLAINT:

- The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to IC Internal Committee in writing.
- The Internal Committee IC may, for the reasons to be recorded in writing, extend the time-limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make complaint.
 - (a) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:



1. her relative or friend; or
2. her co-worker; or
3. an officer or the National Commission for Women or State Women's Commission; or
4. any person who has knowledge of the incident, with the written consent of the aggrieved woman;

(b) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:

1. her relative or friend; or
2. a special educator; or
3. a qualified psychiatrist or psychologist; or
4. the guardian or authority under whose care she is receiving treatment or care; or
5. any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.

Note:

1. Where the aggrieved woman 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 her written consent.
2. Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

INQUIRY PROCESS AND REDRESSAL:

During the pendency of an inquiry, on a written request made by the aggrieved woman, the committee may recommend to the Management, to:

- i. Transfer the aggrieved woman or RE to any other location of work, or
- ii. Grant leave to the aggrieved woman up to the period of 3 months, or
- iii. Grant such other relief to the aggrieved woman as may be prescribed.

At the end of the investigation, the Internal Committee ("IC") IC shall make a report of its findings available to the District Officer, RE and CE within 10 days from the date of completion of inquiry.

- Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer as well as to District Officer that no action is required to be taken in the matter.
- Where the IC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer and to District Officer, as the case may be:



- (i) To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;
- (ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman.

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

The employer or the district officer shall act upon the recommendation within 60 days of its receipt by him.

The IC may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent (accused person) through conciliation provided that no monetary settlement shall be made as a basis of conciliation.

If the settlement has been arrived, the IC shall record the settlement so arrived and forward the same to the Presiding Officer to take action as specified in the recommendation.

The IC shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent and no further inquiry shall be conducted by the IC.

If the aggrieved woman informs the IC that any term or condition of the settlement arrived has not been complied with by the respondent, the IC shall proceed to make an inquiry into the complaint.

If both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the IC.

OTHER POINTS TO BE CONSIDERED:

Any person aggrieved from the recommendations made by IC or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to the provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

The appeal shall be preferred within a period of ninety days of the recommendations.



CORRECTIVE ACTION

Where the IC arrives at the conclusion that the allegation against the RE has been proved, it shall recommend to the employer to take action which may include one or more of the following:

- Undergoing a counselling session
- A written warning to the Respondent and a copy of it maintained in the employee's file
- Change of work assignment/transfer for either the Respondent or the Complainant
- Written apology to the Complainant
- Verbal warning
- Reprimand or Censure
- Withholding of Promotion
- Withholding of pay rise or increments
- Termination of services of the employee found guilty of the offence
- Carrying out community service

CONFIDENTIALITY

The Company understands that it is difficult to come forward with a complaint of sexual harassment. To protect the interests of the Complainant, Respondent, and Witnesses, confidentiality will be maintained throughout any inquiry process to the extent practicable and appropriate under the circumstances. The identities of the Complainant, the Respondent, and the Witnesses involved with the process are kept confidential. Anyone (Witness, Committee Member, Respondent or Complainant) who breaches this clause will be penalized with consequences of disciplinary action.

ACCESS TO RESPORTS AND DOCUMENTS

All records of complaints, including contents of meetings, results of the inquiry, and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes or where otherwise required by law.

FALSE OR MALICIOUS COMPLIANT

In case the complaint is found to be intentionally false and malicious in nature, the Complainant is liable for appropriate disciplinary action. This is only in cases where the Complainant is aware while filing the complaint, that it is false. These recommendations to be made by the IC will be similar to the recommendations of disciplinary action to be taken against the Respondent if she/he is found guilty of sexual harassment. In cases where there is insufficient evidence to prove that harassment has taken place, the Committee would deem the complaint as not proven. It won't be judged as a false complaint and the Complainant will not be liable.

COMPENSATION

The purpose of compensation is to put the Complainant in the same position as they were had the harassment not occurred. It is the Respondent who shall be liable to make good the financial loss suffered by the Complainant and not the employer.



In addition to disciplinary action recommended, the IC is empowered to recommend monetary compensation, factoring the following facts:

- Mental trauma, pain, suffering, and emotional distress
- Loss of a career opportunity
- Medical expenses (physical and psychiatric) The compensation amount will be paid in a lump sum or instalments.
- The income and financial status of the respondent
- Feasibility of such payment in lump sum or in installments.

PROTECTION OF COMPLAINANT AND WITNESSES FROM RETALIATION

The Company is committed to ensuring that no employee or witness who brings forward a harassment concern or testifies is subject to any form of retaliation.

Any employee who retaliates against an employee who has reported in good faith, a sexual harassment claim, will be subject to disciplinary action, which may include dismissal. Any reprisal will be considered a separate case of harassment. Anyone who abuses this procedure (for example, by maliciously making an allegation knowing it to be untrue) would also be subject to disciplinary action including dismissal from service.

In the event that the Complainant or any Witness of the Complainant is being supervised by the Respondent or any of their Witnesses, then such reporting assignments will be changed to the extent possible by the Company.

The Company will not victimise or discriminate against a Complainant or Witnesses while dealing with complaints of sexual harassment.

AMENDMENT

The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendments or rescinding will be intimated to the employee.

CONCLUSION:

In conclusion, the Company reiterates its commitment to provide its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.
