



Prevention of Sexual Harassment at Workplace-4.0

Prevention of Sexual Harassment At Workplace

ManiBhavnam's core value manifests themselves in its commitment to provide a safe and conducive work environment free of any kind of discrimination /harassment based on race, caste, colour, religion, gender, sexual orientation disability or any other biases.

MBHF strongly abhors any kind of discrimination/harassment at work place and endeavours to ensure that no such unlawful practice is followed that violates the dignity and the basic human rights of its employees.

This policy has been formed to prohibit, prevent and /or deter the commission of such acts at the workplace, and lay down a process for redressal of complaints pertaining to all forms of harassment.

Applicability

This policy extends to all employees of MBHF in India and is deemed to be incorporated in the service conditions of all employees with immediate effect. It is applicable to: -

- Women
- Same and opposite gender relationships
- Relationship between supervisors and sub-ordinates
- Peer relationships
- MBHF's customers, Vendors, Consultants, and anyone else doing business with or on MBHF premises and
- Full time, Part time, Temporary, contract employees and student's interns

Definition

1. 'Harassment'

Occurs where a person engages in unwanted conduct against another which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the other person, because of age, disability, race, religion or belief, gender, sexual orientation, marital status, pregnancy or maternity or gender reassignment. There is various form of harassment, which may range from bullying (defined here under) to sexual harassment (defined here under)

2. 'Bullying'

It is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated or threatened. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct, Bullying and harassment could include but not limited to ostracising, excluding or making degrading comments about a colleague, physical threats, abuse of authority or power and conduct related to protected characteristics. Legitimate and constructive criticism of an employee's performance or behaviour or reasonable requests made of employees in the course of their employment will not constitute bullying.

Bullying or harassment related to protected characteristics is unacceptable even if it was unintended and the person doing it was unaware that he or she might cause offence. It is also unacceptable where the

person complaining does not have the protected characteristics or if it is based not on the characteristics of a colleague but on someone he or she associated with.

3. 'Sexual Harassment'

It may be unwelcome, sexually determined behaviour (whether directly or by implication) and includes:

- Physical contact and advances
- A demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation: - 'Sexual Harassment' shall include, but will not be confined to the following:

Where any of these acts is committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work such conduct can be humiliating and may constitute a health and safety problem.

When the victim has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruitment or promotion or when it creates a hostile work environment or when adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

When submission to unwelcome sexual advances, request for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly, made a term or condition of supervision/guidance, employment, participation or evaluation of person's engagement in any employment activity.

When unwelcome sexual advances, and verbal, non-verbal and/ or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sound or display of derogatory nature have the purpose and/ or effect of interfering with an individual performance or of creating an intimidating, hostile, or offensive environment.

When a person/s uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.

When deprecatory comments, conduct or any such behaviour is based on the gender identity, pregnancy condition and/or sexual orientation of the person and/or when the place of work or another public forum of MBHF is used to denigrate /discriminate against person/s or create a hostile environment on the basis of a person's gender identity, pregnancy condition, sexual orientation.

Quid pro quo and hostile work environment are the two board types of sexual harassment.

Sexual harassment at workplace is generally classified into two distinct types. 'Quid pro quo' means seeking sexual favours or advances in exchange for work benefits and it occurs when consent to sexually explicit behaviour or speech is made a condition for employment, preferential treatment, receipt of monetary /non-monetary rewards/ benefits, promotions etc or refusal to comply with a request is met with retaliatory action such as dismissal, demotion, difficult work condition. Hostile working environment is more pervasive form of sexual harassment involving work conditions or behaviour that make the work environment hostile to be in. Certain sexist remarks, display of pornography or sexist/obscene graffiti, physical contact /brushing against other employee are some examples of hostile work environment which are not made conditions for employment.

A relationship or behaviours which are freely accepted by each person involved would not be sexual harassment. Friendship and other conduct/conversation which is invited, consensual and/or reciprocated would not be sexual harassment.

4.'Complainant' shall mean an employee who has submitted an informal/formal complaint. The complainant could be an Employee/an external person. e.g. MBHF vendor/customer/consultant etc.

5.'Accused' shall mean an individual who is charged of committing an act of harassment, the accused could be an employee/ an external person e.g. MBHF vendor/customer/consultant etc.

6.'Harassment Complaints committee' shall mean a committee set up by MBHF under this policy which deal with all complaints of alleged harassment, including sexual harassment and implement this policy.

7.'Members' shall mean a member of the harassment complaints committee

OPTION BEFORE AN EMPLOYEE WHO IS BEING HARASSED

Based on the Employee's comfort level and sensitivity of the issue, the following options are available to him/her:

I. Confront the harasser: The employee may first tell the harasser that her behaviour is unwelcome and risk him/her to stop. The employee must not feel ashamed nor should he/she ignore the harassment in hope that it will stop on its own.

II. Escalation/Discussion: The employee may escalate (in writing or verbally) informally discuss the matter with her Manager/HR/One level up/head of Department/Member or presiding officer of the harassment complaints committee and seek their guidance to handle the process further. The line Manager /Head of Department are required to inform HR about the matter immediately.

Formal Complaint:

- a) Employee may report the incident/case at the following Email address m.mehta@manibhavnam.com.
- b) Employee can also escalate directly (by writing) to the HR representative.
- c) Employee can escalate the case (by writing) to her reporting Manager/ One level Up/Head of Department /Presiding Officer or Members of the harassment Complaints committee or the Leadership team, who has obligation to then immediately forward it before the 'Harassment Complaints Committee'

Maintain Records:

Employees who feel that they are/have been harassed must keep a record of incidents, including dates, times, locations, possible witnesses, any communication records responses of the harasser, and witness to the scene. It is not mandatory to have a record of events to file a complaint, but a record can strength the employee's case and help the Employee remember the details over time, in case the complaint is not filed immediately.

INTERNAL COMPLAINTS COMMITTEE

Internal complaints committee shall consist of:

- a) A Presiding officer who shall be a woman employed at a senior level from amongst the employees. She may be either from the legal team or from the Human Resource Department.
- b) Not less than two Members from amongst the employees who have a clean record and preferably committed to the cause of women or have a legal background.
- c) Additionally, in accordance with the guidelines of the Supreme Court of India the Internal Complaints Committee shall additionally have one member from a third party non-governmental organization or other body who is familiar with the issue of sexual harassment
- d) All such Members in total should represent the Human Resources, Legal and a business department, provided that at least one half the total members so nominated shall be women in the Harassment Complaints Committee

The names and contact details of the current members of the Harassment Complaints Committee are provided in the attached Annexure-I and may be revised from time to time

Role and Duties of the Harassment Complaints Committee

For any reported complaints of sexual harassment, the Harassment Committee shall: -

- a) Act as an impartial body, carry out appropriate disciplinary proceedings and impart fitting action as per the findings of the inquiry
- b) Ensure that the victims and witnesses are not victimized, ostracized or discriminated for making the complaint and taking part in the inquiry proceedings.
- c) Maintain confidentiality of all complaints, investigations, inquiries and proceedings, as far as practically possible
- d) Ensure prompt investigation and action for all complaints
- e) Prevent retaliation against an employee who in good faith reported or provided information regarding any harassment incident.
- f) In case of third-party involvement in a complaint, the Harassment Complaints Committee shall actively assist and provide all its resources to the Complainant in pursuing the complaint and ensure the complainant and witnesses safety at least within MBHF premises.
- g) Maintain an annual report of all sexual harassment complaints and action taken and share with required Government/Statutory body when required.

FORMAL COMPLAINT PROCEDURE AND GUIDELINES

Any employee / Any other external individual as defined in the scope of this policy can submit a complaint concerning any form of harassment against any other employee or an outsider (if the act took place within MBHF premises) to any of the Members of the 'Harassment Complaint Committee' or with the respective HR representative.

- a) The complaint must be written and detailed so that the Harassment Complaints Committee can effectively address the issue.
- b) Once a complaint is received, the Presiding Harassment Complaints Committee shall review the nature of the complaint.
- c) If the complaint pertains to general discrimination/harassment/bullying, the Presiding Officer shall forward the complaint to the local HR representative for investigation.

- d) If the complaints pertain to any form of sexual Harassment, then the Presiding Officer would try that the first meeting (or call) is convened within one week from the date of receipt of the complaint.
- e) If the Complainant or the accused has any reason to believe that any Member of the Harassment Complaints Committee has any bias against him/her that would render such member incapable of carrying out the proceedings in a just and reasonable manner, the complainant or the accused shall inform the Harassment Complaints Committee in writing of the reasons for her belief within the first meeting of the Committee, thereafter, the remaining Members (barring the member in question) shall deliberate upon the veracity of the matter . If such reasons are found to be true, the remaining members by their majority decision may replace the Member in question by appointing another Members to take her place only the purposes of that complaints.
- f) The complainant will be heard in the first meeting and the complaint will be dropped if it is found that the act/ incident is not under the purview of sexual Harassment or is a Harassment as reported under section II a
- g) If after the first meeting, the Harassment Complaints Committee decides to proceed with the complaint, the accused would be called to a meeting of the Harassment Complaints Committee and will be heard. Provided that the accused shall be provided with a copy of the complaint after the first meeting but before the second meeting, to enable him to prepare his stand.
- h) If the Harassment Complaints Committee deems it necessary, it may further proceed to make a detailed inquiry against the accused.
- i) The Complainant can call witness for the proceedings. Witnesses may or may not be employees of the MBHF, provided the internal Complaints Committee is informed of the bringing of witness to the proceedings in advance. Both the Complainant and the witness shall not be victimized or discriminated on any grounds.
- j) In case of sexual Harassment only, the Complainant can request to seek transfer of the Accused or her own transfer.
- k) The findings of the inquiry and decision of the Harassment Complaints Committee shall be binding on both the Complainant and the accused, the harassment Complaints Committee reserves the right to suspend the accused during investigation with/without pay depending on the specifics of the case.
- l) If a complaint is found to be false, malicious and motivated, the Complainant may either be reprimanded and/ or penalized for such falsehood and/or her services may be terminated
- m) If the Accused is the Complainants immediate manager, then MBHF will review the possibility of transferring the Complainant during the inquiry proceedings. If the Accused is found to be guilty after the inquiry, then he/she shall not do the performance appraisal of the complainant.
- n) If the Accused is an outsider, he/she shall not be allowed to enter MBHF premises
- o) The Complainant and the Accused shall be informed of the outcome of the inquiry proceedings. The proceedings shall be completed with three months of the receipt of the complaint. If the Complainant is found to have been sexually harassed, the Accused shall be disciplined accordingly as provided below.
- p) The provisional of this policy shall not restrict the powers of the MBHF's management or the Complainant to proceed against the alleged Accused for any other misconduct or to pursue criminal or Civil remedies available in law to him/her.

DICIPLINARY ACTION THAT MAY BE UNDER TAKEN

Depending on the magnitude of the offence, the Harassment Complaints Committee may take any or a combination of the following disciplinary action against an accused found guilty of sexual harassment, after due ratification from the **Chief Executive Officer**:

- Warning
- Written apology
- Bond of good behaviour
- Adverse remarks in the Performance Report
- No compensation review for a period not exceeding one year
- Transfer from current business
- Reduction in grade
- Suspension
- Termination of service, and
- Any other relevant mechanism

If the complainant or accused wishes to appeal against conduct of her proceedings or the disciplinary action taken by the Harassment Complaints Committee, he/she may appeal before the group chief executive officer stating reasons why such appeal should be entertained. The chief Executive Officer at his /her sole discretion and good judgement, may choose to proceed with the appeal in an appropriate manner or reject the appeal if found to be frivolous.

If the Accused has been proven guilty for the second time for any act of sexual Harassment, then he/she shall be imposed with a major penalty irrespective of the gravity of the second case.

RESPONSIBILITIES OF A MANAGER OR SUPERVISOR

Managers and Supervisors are responsible for ensuring that the workplace is free from any form of harassment. The following are the responsibilities of all managers and supervisors in MBHF.

- a) Take preventive action: Managers are required to discuss the policy at staff meetings and make sure that all employees and supervisory staff are aware of what action to take if such acts occur. Managers must also set appropriate standard of conduct through their own behaviour.
- b) When approached by an Employee with a complaint: Managers must be supportive and explain that options are available. Managers should also find out how the Employee prefers to deal with the situation and address any concerns that the Employee may have about filing a formal complaint. Finally, managers must update and share all pertinent information with HR keep it confidential
- c) If the Employee files a formal Complaint: Managers must provide assistance as required and be available to discuss any concerns that the Employee may have. Cooperation with the Members of the Harassment Complaints Committee is also required.
- d) If the Employee choose not to file a complaint: Managers must explain to the Employee that they are required under the policy to take action even in the absence of a formal complaint. If the allegation is very minor from Harassment, it may be appropriate to resolve the situation informally. If the allegation is of sexual Harassment or act of a serious magnitude, a formal investigation must be undertaken. Before proceeding, managers must contact HR representative of the Presiding Officer of the Harassment Complaints Committee for advice and assistance. Once a course of action is decided upon, managers are required to inform the Employee about what action will be taken and address any concerns that he/she may have.

- e) Special counselling/support to Employees: In certain cases, relating to sexual harassment / serious harassment the complainant may require support/counselling by an external professional. The Manager in a joint discussion should evaluate such a need with HR who would facilitate such assistance to the employee.
- f) Consequences of Violation of the Policy: Any employee, Supervisor or manager who is found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination MBHF prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

RESPONSIBILITIES AS AN ORGANISATION

MBHF shall undertake appropriate measures to educate its employees and create awareness amongst them about this policy. Some of the appropriate steps that MBHF may take through its Human resources department are listed below:

- Discuss the coverage of this Policy during induction of new employees
- Make the policy available on www.manibhavnam.com for the view of all employees
- Initiate awareness drives at various workplaces from time to time

RESPONSIBILITIES OF WITNESSES

Witnesses to any form of harassment may be employees of MBHF or third parties. MBHF encourages such witnesses to come forward upon witnessing case of Harassment and support a victim of Harassment to the best of their abilities. Witnesses who depose before any proceedings of the Harassment Complaints Committee must act in fair, just and reasonable manner. Witnesses should not let their personal biases or prejudices come in way of giving the true and accurate accounts of events. They must not conceal any material facts regarding any relevant incident. And most importantly, they must keep all information relating to incidents of harassment, Complaint/Victim, Accused and conduct of proceedings confidential.

RESPONSIBILITIES OF COLLEAGUES OR TEAM MEMBERS

Colleagues or team members of both the complainant/victim and the Accused should not engage in idle gossip or cause unnecessary interference in the investigation of the Harassment and conduct of proceedings. If they possess any vital or material information that might help the Investigation or proceedings, they must come forward as witnesses. They must remain supportive of the complainant /victim of Harassment and should not influence the Complainant/victim on her choice or manner of handling with the Harassment incident(s).

Further, they must not ostracize or ridicule the Accused on any account. Colleagues and team members should, as far as possible, not let the matters of complaint proceedings come between their professional and workplace interactions with the person concerned. And most importantly, they must keep all information which they come to know of as confidential, whether that relates to incident of harassment, Complainant/victim, Accused or conduct of proceedings.

RESPONSIBILITIES OF LEADERSHIP TEAM AND SENIOR EMPLOYEES

The Leadership team and senior employee of MBHF must encourage and support fair conduct of proceedings by the Harassment Complaints Committee. They must not create situations or use their

position to unduly pressurize any member of the Harassment Complaints Committee to decide in favour of the complainant or the Accused for any of their personal reasons and interfere in the conduct of investigation or proceedings of the harassment complaints committee. They should not let their personal biases or prejudices impact the functioning of the Harassment Complaints Committee and should avoid putting any form of pressure to close the proceedings without proper and fair investigation and inquiry.

CRIMINAL PROCEEDINGS

Where such conduct complained of amounts to a specific offence under the Indian Penal Code or under any other applicable law currently having the force of law in the country where the incident of Harassment occurs, MBHF shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority. In particular, it shall ensure that victims or witness are not victimize or discriminated against while dealing with complaints of any form of Harassment. The victims of harassment shall have the option to seek transfer of the perpetrator of their own transfer.

THIRD PARTY HARASSMENT

In case of third party harassment the harassment Complaints Committee will actively assist and provide all its resources to the Complainant in pursuing the complaint and ensure the employee's safety, at least in MBHF premises

SAVINGS

The provisions of this policy shall apply notwithstanding any contrary statute, law, circular or ordinance. The proceedings under this policy shall not be stalled or postponed merely because the Complainant is proceeding against the accused under any other provision of civil or criminal law

The provisions of this policy shall not restrict the powers of the management or the complainant to proceed against the accused for any other misconduct or to pursue criminal or civil remedies.

Annexure-1

Internal Complaints committee members.

S. No.	Name	Designation	Email
1	Ms. Meghha Gupta	Presiding Officer	m.mehta@manibhavnam.com
2	Mr. Anurag Jain	Member	Anurag.jain@manibhavnam.com
3	Mr. Ajay Bansal	Member	ajay.bansal@manibhavnam.com
4	Ms. Pragya Bhushan	External Member	pragyabb@gmail.com

