



# Prevention of Sexual Harassment Policy

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## 1. Purpose

Wildcraft is committed to sustaining an organizational culture that supports all employees to work together with openness and trust and in ways that demonstrate respect and diversity.

This policy has been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees at Wildcraft are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.

## 2. Scope and Applicability

The Policy will apply to all employees, including those on contract work with the company. The policy will also cover anyone connected with Wildcraft business including trainees, consultants, contractors, vendors and visitors on the premises. The policy will remain applicable wherever such persons have occasion to interact with each other including for example, in vehicles, third party premises, off site meetings and public venues.

It covers harassment of women by men, of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behavior.

Wildcraft is committed in all areas to providing a work environment that is free from harassment. Harassment based upon an individual's sex, race, ethnicity, national origin, age, religion or any other legally protected characteristics will not be tolerated. All employees are expected and required to abide by this policy. No person will be adversely affected in employment as a result of bringing complaints of unlawful harassment.

**Note:** Ignorance of any aspect of this policy will not be a defence during an enquiry on the matter.

## 3. Definitions

### 3.1 Sexual Harassment

Sexual Harassment as defined under the Supreme Court of India Guidelines as unwelcome sexually determined behaviour (whether directly or by implication) as:

- a) Physical contact and advances; or
- b) A demand for request for sexual favours; or





- c) Sexually coloured remarks; or
- d) Showing pornography; or
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- f) Implied or explicit promise of preferential treatment in employment; or
- g) Implied or explicit threat of detrimental treatment in employment; or
- h) Implied or explicit threat about present or future employment status; or
- i) Interference with work or creating an intimidating or offensive or hostile work environment for the person concerned; or
- j) Humiliating treatment likely to affect health or safety; or
- k) Examples of harassing behaviour may include unwanted physical contact, foul language of an offensive sexual nature, sexual propositions, sexual jokes or remarks, obscene gestures, and displays of pornographic or sexually explicit pictures, drawings, or caricatures. Use of the employer's or employees own computer system or any electronic or digital device for the purpose of viewing, displaying, or disseminating material that is offensive in nature may also constitute harassing behaviour.

**Note:**

It is the impact or effect of the behaviour on the recipient and not the intent of the offender that is critical in an assessment of such issues/cases. If the behaviour can be reasonably perceived as offensive or intimidating by the persons receiving it, it should be stopped. As such, all employees have a responsibility to communicate clearly to colleagues about behaviours that may be offensive and ask that it be discontinued

A sample list of behaviours that could constitute sexual harassment is in Annexure 1

Additionally, Wildcraft holds the right to prohibit any conduct that may reasonably be interpreted as harassment whether or not such conduct is pervasive and severe enough to meet the technical legal requirements of harassment.

**3.2 Internal Committee**

A Committee will be formed under this policy to investigate complaints of sexual harassment referred to it and make appropriate recommendations to the relevant management team. The Internal Committee shall consist of the following members to be nominated by the employer, namely:-

- A Chairperson who shall be a woman employed at a senior level at workplace from amongst the employees.
- Not less than two members from amongst employees preferably who have had experience in social work or have legal knowledge
- One member from amongst non-governmental organizations





- One independent external member who is well versed with the law on PoSH
- Internal Committee shall hold office for three years from date of nomination.

### 3.3 Management Team

A Management team refers to the person/s vested with the powers to take appropriate disciplinary action and comprises the senior management of the organisation which will include any employee designated as Chief Executive Officer, Managing Director, Director/Senior Management Personnel.

## 4. Reporting

Any employee who is the recipient of any inappropriate conduct or unwelcome behaviour, especially sexual harassment is expected and encouraged to report the same to the Internal Committee - A Committee formed under this policy to investigate complaints of sexual harassment referred to it and make appropriate recommendations to the relevant management team.

Complaints under this Policy may be lodged with Internal Committee (refer to Annexure 2 for Internal Committee constitution and contact details).

### 4.1 Procedure for Lodging Complaints

Any aggrieved employee may lodge a complaint to the Internal Committee in writing within 90 days from the date of incident and in case of continued harassment, 90 days from the last instance of harassment

*Complaint of sexual harassment:*

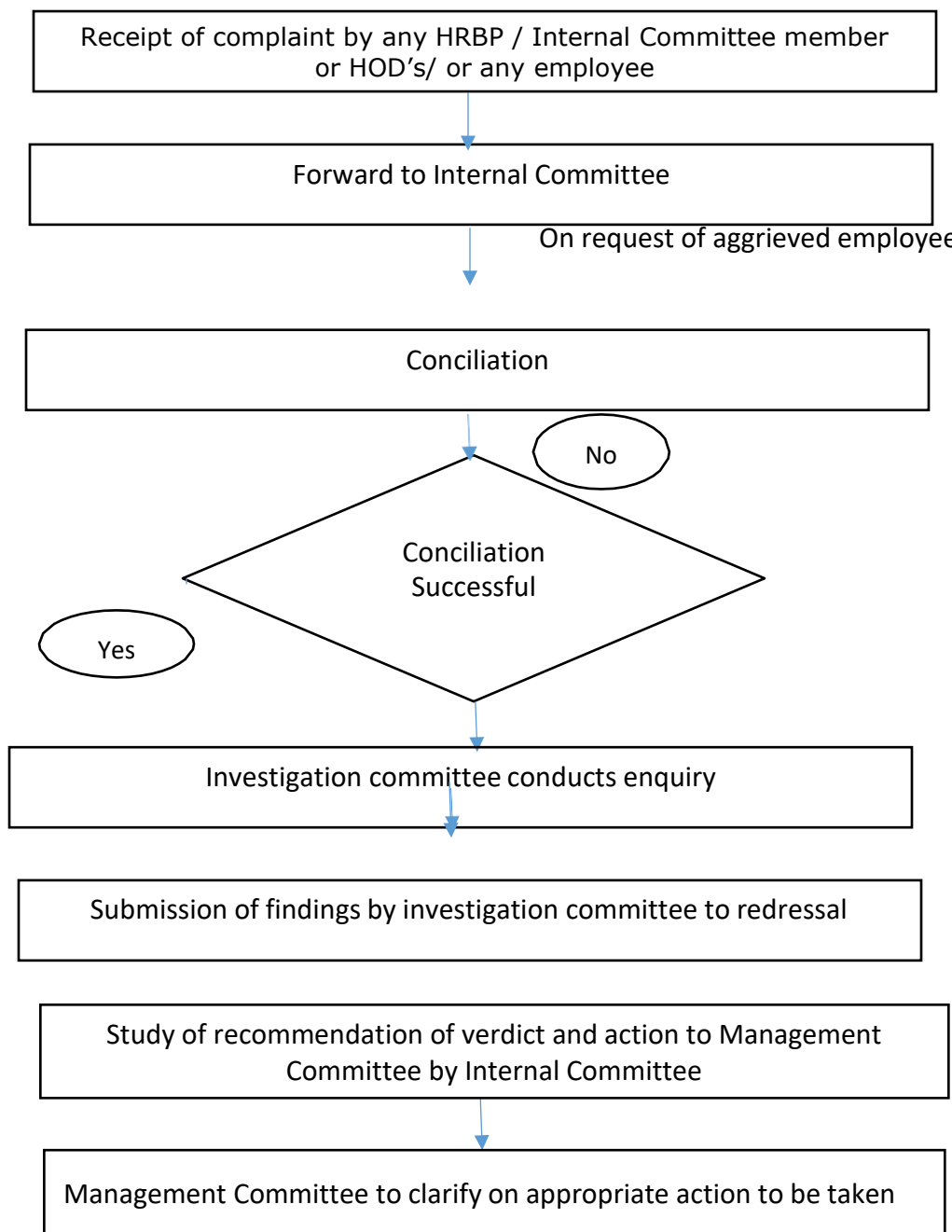
1. Where the aggrieved employee is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:-
  - A relative or friend
  - A co-worker
  - An officer of National Commission for Women /State Women's Commission or
  - Any person who has knowledge of the incident, with the written consent of the aggrieved women
2. Where the aggrieved employee unable to make a complaint on account of his/her medical incapacity, a complaint may be filed by:-
  - A relative or friend
3. A special educator
4. A qualified psychiatrist or psychologist or
5. The guardian or authority under whose care she is receiving treatment or care, or





6. Any person who has knowledge of the incident, jointly with his/her relative or friend or a special educator or psychologist or the guardian or authority under whose care he/she is receiving treatment or care, or
7. 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 his/her written consent
8. Where the aggrieved employee is dead, a complaint may be filed by any person who has knowledge of the incident with written consent of employee's legal heir
9. The aggrieved employee may also lodge a complaint in the Police Station directly without filing a complaint in the Internal Committee.

#### 4.2 Complaint Procedure



#### Timelines

A written complaint to be filed by the aggrieved employee within 90 days from the date of the incident

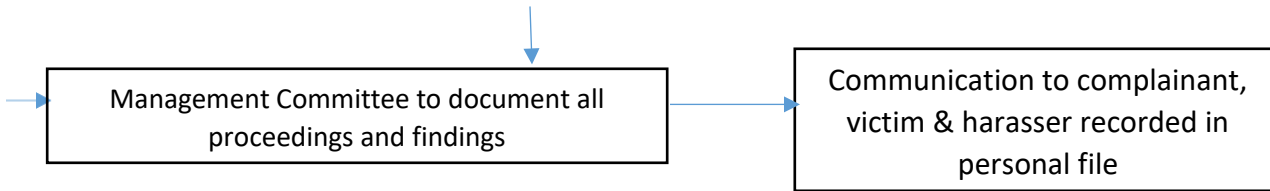
The Internal Committee to action the complaint within 10 working days

The enquiry to be completed within 90 days

The enquiry report to be submitted with recommendations to Management Committee within 10 working days from the date of completion of Enquiry

Management Committee to act and communicate appropriate action within 60 days from receipt of inquiry report





## Procedure on Receipt of Complaints

- i. **Conciliation/Informal Process:** Based on the circumstances of each case, Internal Committee/the involved parties may choose to deal with a complaint through either an informal or formal process.  
The informal process provides individuals an opportunity to resolve issues immediately and in an open, honest, non-threatening manner. It could take the form of:
  - a. Directly speaking with the alleged offender;
  - b. Involving the HR facilitator to arrive at a mediated resolution

Informal resolutions are effective as sometimes an individual may not know that he/she is being offensive and, if asked, may stop or alter his/her behaviour. Complainants who feel that they are being subject to harassment are therefore encouraged to inform the alleged offender that his/her conduct is unwelcome and request for it to cease.

If this not a practical choice for any reason, the complainant can, through the HR focal point, seek a mediated redressal. The intent is to have a mutually agreeable person help to clear the issue and reestablish a harmonious and productive work environment.

**Note:** Those who are unsure of what is the appropriate resolution process to use may speak with the HR focal point to make a more informed decision. Additionally, please remember that the decision to opt for an informal process will not reduce either party's right to later shift to a formal process if either of them feels that they did not get a fair decision.

It is also encouraged that both parties maintain records of all incidents, (for example, hard copies of emails, details of dates, places, witnesses and their feelings at the time of the alleged harassment). These are useful should a formal process come up.

- ii. **Formal Process:** Where the informal resolution has not been satisfactory for both/either parties or in situations where complaint cannot be resolved informally or the employee chooses not to resolve informally, the formal process of





investigation is followed. To enable a formal investigation, a written complaint with the following details must be submitted:

- a) State the name of the alleged offender including designation and contact numbers
- b) State the date(s) and location(s) of the alleged incident(s) of harassment
- c) A detailed description of the incident(s) in question as well as other relevant circumstances,
- d) Names of witnesses and physical and/or documentary proof if any that supports the allegation including other potential complainants, if any
- e) Shall be signed and dated; no anonymous complaints shall be accepted

## 5. Investigation and Resolution

Wildcraft is committed to treating the entire resolution process with the dignity, sensitivity and respect it merits including protection of the victim / harassed.

The Company will provide counsellor services to the victim / harassed on request, at no additional cost to the victim/harassed.

The Investigation Committee shall promptly and thoroughly investigate every complaint of harassment referred to it and submit to the Chairperson, a report of its findings within 90 working days from the date of the complaint being referred to it.

The Internal Committee shall provide an opportunity to the victim as well as the alleged harasser to represent their position and provide their explanations.

### 5.1 Manner of inquiry into complaint:-

- a) At the time of filing the complaint, the complainant shall submit to the Internal Committee, six copies of the complaint along with supporting documents and the names and the addresses of the witnesses
- b) On the receipt of complaint, the Internal Committee shall send one of the copies received from the complainant to the respondent within a period of seven working days.
- c) The respondent shall file his reply to the complaint along with his list of documents and names and addresses of witnesses within a period not exceeding ten working days from the date of receipt of the documents
- d) The Internal Committee shall make inquiry into the complaint in accordance with the principles of natural justice
- e) The Internal Committee shall have the right to terminate the inquiry procedure or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause to present herself or himself for three consecutive hearings





convened by the Chairperson or Presiding Officer, as the case may be: Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- f) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

In conducting the inquiry, a minimum of three members of the Internal Committee including the Presiding officer or Chairperson, as the case may be, shall be present.

The victim and the alleged harasser need to go through the Guidelines for the Redressal/Investigation Committee (Annexure 2 and Annexure 3) to better understand their rights and the procedure to be adopted by the Redressal /Investigation Committee.

## 5.2 Proceedings and communication of Findings

The Internal Committee shall consider the findings of the report and communicate the findings and recommendations to the Management Committee. The Management Committee will take appropriate action in consultation with the Chairperson of Internal Committee and communicate the findings to the complainant and the concerned Individual against whom such complaint was made within 60 days from the date of the investigation report.

The Management Committee will also ensure that a closure report is submitted to the Chairperson of the Internal Committee on completion of any action taken.

The Internal Committee shall follow principles of natural justice in all its proceedings and shall maintain confidentiality of the identity of the complainant and the witnesses.

In case of complaint against Individual, who is/are members of the Internal Committee, the Chairperson shall entrust the proceedings to the Independent representative to investigate the complaint and such person shall have the same powers as the Internal Committee in implementing this policy.

Manner of taking action for sexual harassment: When the Internal Committee arrives at the conclusion of allegation against the respondent and it has been proved, it shall recommend to the employer, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counseling session or carrying out community service.

## 6. Confidentiality

It shall be the duty of all the persons involved in the inquiry process to ensure that all complaints lodged is treated with utmost confidentiality. Any breach of this can invite disciplinary action before, during or after the inquiry.





## 7. Appeal Procedure

If the victim of harassment feels unsatisfied with the outcome of his/her complaint to the Unit Internal Committee, he/she may appeal to a Court.

Appeal- Subject to any person aggrieved from the recommendation made or non-implementation of such recommendations may prefer an appeal to the affiliate authority notified under industrial employment act 1946 (20 of 1946)

## 8. Corrective Actions

Part 1: Where an incident of harassment has been substantiated, corrective/disciplinary action based on the gravity of the offence will be recommended. The range of penalties can vary from:

- a) A letter of warning that will be placed in the personal file of the harasser
- b) Immediate transfer or suspension without pay or both
- c) Fine equivalent to 2-4 months' salary that can be credited to a fund created to be utilized for the welfare of the employees
- d) Stoppage of increment with or without cumulative effect
- e) Reduction in rank/grade
- f) Termination/dismissal from the services of the Company
- g) Any other action that the Disciplinary Authority may deem fit
- h) Filing a Complaint before the relevant police station/Court
- i) Any other action deemed fit by the IC

### Part 2: Determination of Compensation

For the purpose of determining the sums to be paid to the aggrieved individual under clause (ii) of sub section (3) of section 13, The internal Committee or Local Committee, as the case may be, shall 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 or psychiatric treatment
- d) The income and financial status of the respondent
- e) Feasibility of such payment in lump sum or in installments

### Protection against retaliation





Retaliation is a serious violation of this policy. Wildcraft forbids any form of retaliation against anyone who has reported a suspected episode of harassment or has cooperated in any investigation involving a reported case. (Examples of retaliation may include - but are not limited to - threatening a negative action on terms of employment, unsubstantiated negative performance evaluation, continued harassment in any form, discriminatory treatment or failure to provide or consider individual concerned for a company benefit or for a warranted role, title, training or promotion).

If anyone feels that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to Internal Committee.

As with complaints of harassment, this too will be treated as misconduct and Wildcraft will take appropriate action to prevent/rectify the retaliation. It will be treated as seriously as an alleged case of harassment and will apply even if the original complaint is not proven.

Similarly, bringing undue influence whether directly or indirectly, to the proceedings of an Inquiry by either party will be treated as misconduct and be subjected to disciplinary action.

## **Miscellaneous**

The Internal Committee shall ensure a quorum of at least 2/3 members when taking a decision/meeting.

The Management shall as soon as possible, after the coming into force of this policy submit the same to the concerned Government Department as partial compliance with the Supreme Court judgment in this regard.

## **9. Employee Responsibilities**

### **9.1 The Aggrieved person**

Consider using an informal method of resolution if the behaviour was minor. Only use this method if you feel it will permanently stop the offensive behaviour without reprisal and you feel the offender should be given a chance to change.

- a) Consider filing a formal complaint with the Internal Committee if the incident and behaviour is serious, absolutely unacceptable, or repeated (especially after telling the offender to stop)
- b) Every Individual is entitled to a work environment that is free from Harassment.
- c) Every Individual shall be entitled to complain against harassment to which he/she was subject to or which was targeted at him/her, to the Internal Committee established under this Policy.





- d) Anybody who complains to the Internal Committee or participates in the investigations of the Committee for giving evidence or statements shall not be victimized or subjected to any unfavourable treatment in the conditions of his/her work.

The procedure for reporting incidents of harassing behaviour is not intended to impair, replace, or limit the right of any employee to seek a remedy under any appropriate judicial court

### 9.2 The Offending Person

- a) Stop the behaviour immediately as Wildcraft follows a zero tolerance policy.
- b) If you feel you may have harassed someone, take action.
- c) Apologize. Ask another person or supervisor for advice and accompany you to the person who was subject to Harassment, or intervene on your behalf.
- d) Talk to the person who was subject to Sexual Harassment and discuss how you two can communicate more effectively without giving room for offensive statements.
- e) If a formal complaint has been filed, seek legal counsel or assistance to understand your rights.

### 9.3 The Friend or Co-Worker

- a) If you are approached by a friend or co-worker who feels he or she was discriminated against or harassed, take action.
- b) Encourage the person who was subject to Sexual Harassment to approach the offending person directly or use other informal resolution methods.
- c) Offer to accompany the person who was subject to Harassment to the offending person, the Internal Committee or an agency to file a formal complaint.
- d) Any incident of Sexual Harassment that comes to the knowledge of any Individual shall be reported to the Internal Committee promptly.

### 9.4 The Supervisor

- a) If you observe or are approached about discrimination or Sexual Harassment, take action.
- b) Advise the person who was allegedly subject to Sexual Harassment of his or her right to seek help through the compliance officer.
- c) Advise the offending person to cease harassment immediately. If the alleged offender is a supervisor, report it immediately to the Internal Committee and encourage the complainant to do the same.
- d) Act promptly and take corrective action if you supervise the offending individual.
- e) Warn all parties immediately against behaviour, which may look like direct or indirect reprisal.

### 9.5 The Employer





- a) In addition to ensuring compliance with the other provisions stipulated, the Sexual Harassment Act casts certain obligations upon the employer to, inter alia,
- b) Provide a safe working environment
- c) Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Committee
- d) Organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Internal Committee. Wildcraft follows a zero tolerance policy and will orient all employees on the importance of having a safe working environment.
- e) Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition prevention and redressal of sexual harassment at the work place intended to promote gender sensitive work spaces and remove underlying factors that contribute towards a hostile work environment against women
- f) Carry out orientation programs and seminars for the members of the Internal Committee
- g) Carry out employee awareness programs and create forum for dialogues.
- h) Conduct capacity building and skill building programs for the members of the Internal Committee
- i) Declare the name and contact details of all members of Internal Committee
- j) Use modules developed by the state governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act
- k) Treat Sexual harassment as a misconduct under the service rules and initiate action for misconduct.
- l) The employer is also required to monitor the timely submission of reports by the Internal Committee

## 10. Reporting

Preparation of Annual report – The annual report that the Internal Committee shall prepare shall have the following details:-

- a) Number of complaints of sexual harassment received in the year
  - b) Number of complaints disposed off during the year
  - c) Number of cases pending for more than 90 days
  - d) Number of workshops or awareness programs against sexual harassment carried out
  - e) Nature of action taken by employer or district officer
- The Internal Committee shall in each calendar year prepare, in such a form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer





- The District Officer shall forward a brief report on the annual reports received to the State Government

The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in annual report of his organization or where no such report is required to be prepared intimate such number of cases, if any, to the District Officer

## **11. Mala Fide Complaint**

The intent of this policy is to create a harmonious & safe working environment. To ensure that this is upheld in both letter and spirit, we urge members of Wildcraft to refrain from lodging wrongful allegations.

If after inquiry, it is found that the complaint was raised with malafide intent or that incident was publicized without going through the recommended process, the behaviour will be viewed as a major misconduct and appropriate disciplinary action including termination of services can be taken.

## **General**

Wildcraft reserves the right to modify and amend the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by Wildcraft from time to time.

Where an alleged instance of sexual harassment amounts to a specific cognizable offence under the Indian Penal Regulations, 1860, or any other law, Wildcraft must initiate appropriate proceedings in accordance with the law by making a complaint with the appropriate authorities





## ANNEXURE 1

### Indicative List of Behaviours that could Constitute Sexual Harassment

Any behaviour that falls in this list or has the same impact as any of these, on an employee, will invite appropriate disciplinary action including separation from the organisation.

(This is an indicative list and not exhaustive in nature)

*Verbal harassment includes:*

- Any taunting snide remarks based on sex (including pregnancy, childbirth or related medical condition), sexual orientation, gender identity, marital status or personal appearance
- Using abusive and offensive language or comments that put down people because of their sex or sexual orientation
- Phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to employees,
- Sexual messages, text, or images which may be perceived by the recipient as creating a hostile work environment
- Suggesting or insisting that someone wear revealing clothing
- Intrusive questions about sexual activity, Tales of sexual exploits, Comments about people's (women/men) bodies or intruding on the privacy of an employee
- Repeated requests for sexual favours, sexual advances or repeated pressure for dates and social contact especially when person invited has refused/ignored similar invitations
- Sexually suggestive comments, sexually coloured propositions, insults or threats
- Telling lewd jokes about sex or sexual orientation
- Offensive language that insults/demeans
- Singing or humming vulgar songs, ballads or words.

*Nonverbal harassment includes:*

- Graphic representations of pornography including graffiti in the office premises





- Displaying of books, photographs, paintings, films, pamphlets, packages, etc. containing 'indecent representation of women/men', or
- Material that is sexual in nature, sexist, sexually explicit is displayed in the workplace, circulated, or put in someone's workplace or belongings, or on a computer or fax machine or on the internet or any other public display system or public space in the work premises.
- Offensive gestures, staring, leering or whistling with the intention to insult or discomfort another
- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by an employee
- Sounds, gestures or display of offensive books, pictures, cartoons, magazines, calendars; or derogatory written materials at one's desk or workplace
- Viewing, showing or mailing pornographic posters, Internet sites, cartoons, drawings
- Suggestive letters, phone calls, electronic instant messaging or e-mail messages

*Physical harassment includes:*

- Intentional touching of the body, eg. Unwelcome hugs, kisses, brushing, fondling, pinching, patting etc
- "Accidentally" brushing especially of sexual parts of the body,
- Any displays of affection which can make others uncomfortable or are inappropriate at the workplace even if the recipient welcomes it.
- Indecent exposure or coerced sexual intercourse
- Use of technology to induce sensations on the body
- Sexual assault or using criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage her/his modesty





## Annexure 2

<b><u>Internal Committee for POSH @Wildcraft</u></b>			
<b>Name</b>	<b>Designation</b>	<b>E-Mail</b>	<b>Phone Number</b>
Divya Mahesh	Chairperson	divya.mahesh@wildcraft.com	9742239278
Jenie Shrivastava	Female Member	jenie.shrivastava@wildcraft.com	9686648866
Shyamala Deshpande	External Member	<a href="mailto:shyamaladeshpande67@gmail.com">shyamaladeshpande67@gmail.com</a>	9740901718
Thomas Joseph P	Male Member	thomas.joseph@wildcraft.com	9740294949





## 1. Constitution of Internal Committee

- a) The Company shall have an Internal Committee comprising 5-7 members.
- b) The Internal Committee shall be chaired by a woman of adequately high position. In the event that the perpetrator is senior to the Chairperson of the Internal Committee, a senior woman officer, who is senior to the perpetrator in rank and post, shall be co-opted as Chairperson for that case. In case there is no senior woman officer available in the workplace, an eminent woman who may not be an employee of the Company, shall be co-opted as Chairperson for that case.
- c) Not less than half of the members of the Internal Committee shall be women
- d) The Internal Committee shall also appoint/co-opt 1-2 nominees from a NGO or any other person who is familiar with the subject of sexual harassment, as a third party members.
- e) The Internal Committee established in the Company's office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and the Internal Committee shall hold the inquiry in accordance with the procedure laid down in these Rules.
- f) For any complaints pertaining to other factory locations, Regional or Corporate office, separate Inquiring Authority may be constituted by the Internal Committee.
- g) Changes in the constitution of the Internal Committee, whenever necessary, shall be made as expeditiously as possible and in any case within 15 days of the date of vacancy of office by one of the members.

## 2. Functions and Powers of the Internal Committee

- a) The Internal Committee shall organize programmes for the gender sensitization of executives and employees through workshops, seminars, etc. It may take the assistance of specialized NGO/Ethics Counsellors, etc., if necessary, for this purpose.
- b) The Internal Committee shall meet once a six months, even if there is no live case, and review preparedness to fulfil all requirements of the Vishaka judgment in the Company.
- c) The quorum for the purpose of meeting/hearing shall be 2/3rd of the members of the Internal Committee. However, this shall not be a pre-requisite for the quorum of an adjourned meeting.
- d) The Chairperson of the Internal Committee shall have veto power.
- e) The minutes of every meeting shall be recorded in the Minutes Register maintained for the purpose





## ANNEXURE 3

### Guidelines for the Redressal / Investigation Committee

Harassment Investigation Guide for members of the Internal Committee

1. Getting the employee to describe the claim:
2. Listen to the charge. Don't make comments like, "You're overreacting."
3. Acknowledge that bringing a harassment complaint is a difficult thing to do.
4. Maintain a professional attitude.
5. Gather the facts; don't be judgmental.
6. Ask who, what, when, where, why, and how. Find out if the employee is afraid of retaliation. How does the employee want the problem resolved?
7. Ask the employee to give the complaint in writing. Offer assistance if required to write down the complaint.
8. Conducting an investigation of the claim—general rules to follow:
9. Investigate immediately. Delaying or extending an investigation can make witness testimony increasingly unreliable.
10. Remember that the manner in which the investigation is handled can itself furnish grounds for a hostile environment claim, so carefully document every step.
11. Treat all claims seriously—even those that seem frivolous—until you have reason to do otherwise.
12. Keep the investigation confidential. Emphasize to those involved that your discussions are not to be shared with unconcerned parties. Warn of possible disciplinary action, if necessary.
13. Limit the number of persons who have access to the information. Communicate strictly on a "need to know" basis.





14. Ask questions so that information is not unnecessarily disclosed. For example, instead of asking, “Did you see \_\_\_\_\_ touch \_\_\_\_\_?” ask “Have you seen anyone touch Joan at work in a way that made her uncomfortable?” Remember—the purpose of the investigation is to gather facts, not disseminate allegations.
15. If there is more than one allegation, treat each separately.
16. Never broadcast the facts of a given situation or the results as an example to others or as a training tool.
17. Interviewing the complainant (Can be done when employee first reports charge):
18. Get specific details.
19. Find out whether there was a pattern of previous episodes or similar behaviour toward another employee.
20. Get the specific context in which the conduct occurred. Where? What time?
21. Determine the effect of the conduct on the complainant. Was it economic, non-economic and/or psychological?
22. Determine the time relationship between the occurrence of the conduct, its effect on the complainant, and the time when the complainant made the report.
23. Prepare a detailed chronology.
24. Analyze whether there might have been certain events that triggered the complaint, i.e., promotion, pay or transfer denial.
25. Determine whether there were any possible motives on the part of the complainant.
26. Find out what the complainant wants.
27. Explain to the complainant that the charges are serious, that you will conduct a thorough investigation before reaching any conclusion, and that he or she will not be retaliated against for making the complaint.
28. Don't make any statements about the accused employee's character, job performance, or family life.
29. Interviewing the offending person:/accused :
30. Obtain a statement from the accused.
31. Identify the relationship of the accused to the complainant.
32. Was there any prior consensual relationship between the parties? How long have they known each other? Is there a history of group or individual socializing?
33. If the individual was a supervisor, indicate the individual's job title, obtain a copy of the individual's job description, and determine the individual's specific duties at the time of the alleged harassment.
34. Determine whether the accused directed, or had responsibility for the work of other employees or the complainant, had authority to recommend employment decisions affecting others or was responsible for the maintenance or administration of the records of others.
35. You can expect the accused to deny the charges. Observe the reaction. Note whether there is surprise, anger, or disbelief. Describe the details of the allegation and note the





areas of disagreement between the testimonies of both parties. If the accused denies the allegations, probe further to determine with the accused the background, reasons, and motivation that could possibly trigger the complaint.

### **Interviewing witnesses:**

1. Obtain statements from any witnesses who support or deny any of the complainant's allegations. Be aware that witnesses are often reluctant to come forward out of fear of reprisal.
2. Assure all witnesses that their cooperation is important, that their testimony is confidential and that they will not be retaliated against for testifying.
3. Resolving the complaint:
4. Apologize for the incident occurring, if that is appropriate.
5. When attempting to remedy the conduct, avoid requiring the claimant to work less desirable hours or in a less desirable location. If you offer to transfer the complainant, try to get the complainant's consent and make sure the transfer position is substantially similar to the complainant's prior position. This helps ensure that the complainant is not being illegally punished for reporting discrimination or harassment.
6. Consider the severity, frequency and pervasiveness of the conduct when imposing discipline on the harasser. There are several disciplinary options available, including:
  7. oral and written warning
  8. reprimand
  9. suspension
  10. probation
  11. transfer
  12. demotion
  13. termination
14. When imposing discipline on the accused, any forms of discipline short of termination should be accompanied by a warning that similar misconduct in the future may result in immediate termination. If no discipline is imposed, document the reasons why.
15. Provide remedial counseling and training on sexual harassment, if appropriate. Also take the opportunity to re-communicate your policy.
16. Carefully and fully document the investigation, the discipline imposed, and any remedial steps taken.
17. Conduct follow-up interviews with the parties to inform them of the company's actions





Format for reporting findings

Sl No	Item	Notings
1	DATE OF RECEIPT OF COMPLAINT	
2	NAME / CONTACT DETAILS OF COMPLAINANT/VICTIM (S)	
3	DATE / LOCATION OF INCIDENT	
4	BRIEF DESCRIPTION OF COMPLAINT (CAN ENCLOSE THE COMPLAINT DOCUMENT)	
5	NAME / CONTACT DETAILS OF ALLEGED HARASSER (S)	
6	INVESTIGATION COMMITTEE MEMBERS (S)	
7	DATE (S) OF INVESTIGATION – ENTER BEGINNING AND CLOSE DATES	
8	DOCUMENTS REFERRED / VERIFIED / COLLECTED / ENCLOSED	1. STATEMENT FROM VICTIM 2. STATEMENT FROM WITNESSES IF ANY 3. STATEMENT FROM HARASSER (S) 4. ANY OTHER CIRCUMSTANTIAL EVIDENCE
9	ANALYSIS / OBSERVATIONS OF COMMITTEE	
10	CONCLUSION	
11	RECOMMENDATION OF	





	COMMITTEE	
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PLACE AND DATE:

NAME / DESIGNATION AND SIGNATURE OF COMMITTEE MEMBERS:

