



ANIMEDH CHARITABLE TRUST

Corporate Address: 162,2-B Windermere, 16th Floor, Near Oshiwara Police Station, Opp Millat Nagar, Andheri West, Mumbai 400053.

Local Office Address: E-114, Crystal Plaza, New Link Road, Opposite Infinity Mall, Andheri West, Mumbai 400053.

E-mail: nivedita.desai@animedhtrust.org

Policy on Prevention of Sexual Harassment (POSH) of women at workplace

INTRODUCTION:

This policy is introduced for protection of women against sexual harassment at workplace and prevention, redressal of complaints and matters related to the sexual harassment at workplace, under the guidelines of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “POSH”). Accordingly, while the policy covers all the key aspects of the POSH, for any further clarification reference shall always be made to the POSH and the provisions of the POSH shall prevail.

The ‘Policy on Prevention of Sexual Harassment of women at workplace: Guidelines for Animedh Charitable Trust (ACT) Project Donna intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and **do not tolerate any form of harassment or discrimination.**

DEFINITIONS:

1. **Sexual harassment** may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an ACT employee and someone that employee deals within the course of his/her work who is not employed by the Company.

“Sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

- a. Any unwelcome sexually determined behavior or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
 - (i) physical contact and advances; or



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- (ii) a demand or request for sexual favors; or
- (iii) Sexually colored remarks or remarks of a sexual nature about a person's clothing or body; or
- (iv) Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- (vi) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes; or
- (vii) Giving gifts or leaving objects that are sexually suggestive; or
- (viii) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; or
- (ix) Persistent watching, following, contacting of a person; and
- (x) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

2. **AGGRIEVED WOMAN:** In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.
3. **COMPLAINANT:** Any aggrieved woman who makes a complaint alleging sexual harassment under this policy
4. **RESPONDENT:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy
5. **EMPLOYEE:** A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express



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or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.

6. **WORKPLACE:**

- a. Premises, locations, establishments, enterprises, institutions, offices, centre or branches or units established which are controlled by ACT.
- b. Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

7. **EMPLOYER:** A person responsible for management, supervision and control of the workplace

GUIDELINES

LODGING A COMPLAINT

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of the incident/last incident. The committee can extend the timeline by another 3 months for the reason recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf with her written consent

- Legal heir, relative of friend
- Co-worker
- Any person having knowledge of the incident

If the initial complaint is made to person other than a committee member, upon receiving such complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately. Disciplinary steps will be taken against employees who lodge false accusations.



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RECEIVING A COMPLAINT

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaint are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation are not be pre-judged. Written notes are taken while listening to the person. When taking accurate notes, complainants own words is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant. If ICC feel necessary they will involve another person if they feel necessary.
- In case the complainant is not of sound medical health or specially abled in terms of mental capacity or has gone through mental trauma due to the incident, then a support system in way of Doctor, therapist or any person the complainant is in care of, can accompany the person, the complainant need to be guided and express herself.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

RESOLUTION PROCEDURE THROUGH CONCILIATION:

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.



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The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted

RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

CONDUCTING INQUIRY:

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of 15 days of its receipt of the original complaint/closure of conciliation/repeat complaint.

MANNER OF INQUIRY INTO COMPLAINT:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present

INTERIM RELIEF:

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months
- Prevent the respondent from assessing complainants work performance
- Grant such other relief as may be appropriate



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Once the recommendation of interim relief are implemented, the employer will inform the committee regarding the same.

TERMINATION OF INQUIRY

Committee at ACT may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order

INQUIRY PROCEDURE

All proceedings of the inquiry is documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

CONSIDERATIONS WHILE PREPARING INQUIRY REPORT

While preparing the finding/ recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behaviours was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee



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ACTION TO BE TAKEN AFTER INQUIRY

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within 15 days of completion of the inquiry. The findings and recommendations are reached from the facts established and is recorded accurately. If the situation so requires, or upon request of the complainant, respondent or witness, Management at ACT may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

COMPLAINT UNSUBSTANTIATED

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

COMPLAINT SUBSTANTIATED

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counseling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Management may deem fit.

The employer at ACT acts upon the recommendations within 60 days and confirm to the committee Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Manager.



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MALICIOUS ALLEGATIONS

The company will ensure that the career interests of the complainant are not adversely affected by the individual having drawn attention to such an offense. In order to ensure that this important matter is not trivialized, any complaint, which, in the opinion of the Committee, is blatantly false or frivolous or has been motivated by, reasons that are clearly unconnected with gender issues, would be viewed very seriously by the company and an appropriate action shall be taken against such complainants. If the Committee receives an anonymous reference related to sexual harassment, it will draw the attention of the senior executives concerned with the relevant business or location. The matter will be fully examined by the concerned senior management and its conclusions and plans for necessary action will be communicated to the Committee.

CONFIDENTIALITY

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in POSH.

APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

INTERNAL COMPLAINTS COMMITTEE

NAME	DESIGNATION	CONTACT DETAILS
NIVEDITA DESAI	PRESIDING OFFICER	98190 59987
MANALI GHAGHDA	MEMBER	9920563448
RUPESH PATEL	MEMBER	98204 19541
PRATIMA HAJARE	EXTERNAL MEMBER	99200 85102
SANJAY KSHIRSAGAR	MEMBER	97697 25067