

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE

1. INTRODUCTION

Consolidated Private Limited (hereinafter referred to as Company) is committed to maintaining a work environment where each individual feels respected and safe. This includes a work environment free of sexual harassment, gender bias and fear of prejudice. Our Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

In response to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the Act) the Company has introduced a Sexual Harassment Policy (hereinafter referred to as Policy). This Policy is separate from and in addition to policies relating to anti-harassment or any such other policy.

This is a gender-neutral company policy and is applicable to all categories of employees, whether permanent or on contract, and at their workplace or client sites. All complaints will be dealt with in a just and fair manner and may have serious consequences. The Company will not tolerate any form of sexual harassment engaged in by clients or by suppliers or any other business associates and is committed to taking all necessary steps to ensure the safety and well-being of all employees and associates.

The existing Policy has been revised by incorporating the rules and procedures as mandated in the Act.

2. DEFINITIONS SEXUAL HARASSMENT

During the inquiry into an incident, it is the impact or effect of the behavior on the Complainant and not the intent of the Respondent that is critical in the IC taking up the case.

The following unwelcome acts or behaviors either occurring individually, as a combination of individual acts or collectively may constitute sexual harassment at the workplace (whether directly or by implication) namely:-

- Physical contact and advances
- A demand or request for sexual favors
- Making sexually colored remarks
- Showing pornography
- 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 behavior of sexual harassment may amount to sexual harassment:-

- Implied or explicit promise of preferential treatment in the employment
- Implied or explicit threat of detrimental treatment in the employment
- Implied or explicit threat about the present or future employment status

- Interference with work or creating an intimidating, offensive or hostile work environment
- Humiliating treatment likely to affect health and safety

WORKPLACE

The 'workplace' is defined to include office premises and any place visited by the employee arising out of or during the course of employment.

The workplace includes:

- All offices or other premises where the Company's business is conducted
- Any other site away from the Company's premises where Company-related activities are performed (example, off-sites or company organized social events)
- Any social, business or other events related to the Company's work where any conduct or comments may have an adverse impact on the workplace or workplace relations

Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey and while working from home.

COMPLAINANT

In relation to the workplace, an employee who alleges to have been subjected to any act of sexual harassment by the respondent

RESPONDENT

Respondent means a person against whom the aggrieved employee/complainant has made a complaint. In a situation where the allegation of sexual harassment is made against a third party, the Company will work with the direct employer of the alleged offender to decide how the matter should be dealt with.

EMPLOYEE

This policy applies to all categories of employees of the Company, including any person employed at Consolidated Pvt. Ltd. on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with/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 or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name, at the workplace or at client sites.

Witness

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

Internal Committee

The Company has instituted an Internal Committee (hereinafter referred to as IC or Committee), for redressal of sexual harassment complaints and for ensuring unbiased and time-bound resolution of complaints.

The Internal Committee is responsible for conducting an inquiry into every formal written a complaint of sexual harassment and making recommendations to the Company on the actions to be taken against the Respondent. The IC will also be responsible for the preparation and submission of the annual report prepared by the IC for each calendar year to be submitted to the District Officer or employer and maintain record of such annual reports.

3. GUIDELINES FOR THE IC

1. The Internal Committee will comprise of the following three members out of which at least 2 members will be women:
 - a. Presiding officer (woman at senior level)
 - b. One member from amongst the NGO or associations committed to the cause of women or familiar with the issues relating to sexual harassment
 - c. Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
2. The meetings of the Committee will require 2 members to be present, including one lady member.
3. Any vacancy caused among the Committee members, shall be filled by fresh appointments or as mutually decided by other members to fulfil the requirements of the Act.
4. The Presiding Officer and every member of the Committee shall hold office not exceeding 3 years, from the date of their nomination.
5. Final decision and recommendation with regard to the complaint, shall rest with the Committee.

Accordingly, the Committee will consist of the following:

Name	Designation	Contact Details
Vasavi M	Presiding Officer	vasavi@consolidated.one
Priyagayathri V	IC Member	priya@consolidated.one
Umashankar T K	IC Member	umashankar@consolidated.one
Shashi Ranjan Singh	IC Member	shashiranjana@consolidated.one
Urooj Badar	IC Member	uroojbadar@consolidated.one
Manoj M	IC Member	manojnair@consolidated.one
Kurinji Michael	External Member	Kurinji.michael@gmail.com

4. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this Policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

i. Management & Team Managers' responsibilities

- Create and maintain a working environment in which all employees feel respected
- Be alert to observe any inappropriate conduct or comments
- Refer to the Internal Committee in accordance with this Policy, when instances of sexual harassment which occur within the workplace are brought to their attention

ii. Employees' responsibilities

- Read and understand the Policy document
- Take reasonable care not to offend co-workers and associates through one's actions or behavior
- Take responsibility to discourage unwelcome conduct that is offensive, degrading or humiliating
- Know who is on the Committee
- Cooperate in the inquiry of complaints when called to do so
- Maintain confidentiality at all times in the event that you are involved in or have access to information related to any complaint that is raised

5. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

(a) Written complaint

When an incident of sexual harassment occurs, a Complainant may make a written complaint to the Presiding Officer or any member of the Committee.

The Complainant can file a physical copy of the complaint through a sealed envelope or send it through an email to (posh@consolidated.one)

The complaint should be in writing and clearly include:

- The identity, designation of the Complainant and the identity of the Respondent against whom the complaint is being lodged;
- The dates, time and location of the incident or incidents, since these are useful for speedy redressal;
- The identities, designation, contact information of any other employee who may have witnessed the incident (if any);
- Other relevant documented evidence (if available).

The complaint should be made, preferably no later than three months from the date of the incident. If the incidents are continuous or have occurred more than once then the complaint should be made within three months since the most recent incident. The time period of three months for filing the written complaint may be extended by the Committee at its discretion for an additional three months if it is satisfied that the circumstances were such which prevented the Complainant from the filing of the complaint within the period of three months. The reasons for an extension will be recorded in writing by the Committee in its final report.

In the event that the Complainant is not able to file a written complaint due to physical or mental incapacitation, they may be assisted by co-workers, relatives, friends, or any other person with knowledge of the incident with the written consent of the Complainant.

(b) Initial IC meeting

The IC will hold a meeting with the Complainant, within 5 days from the date of receiving the complaint. At this meeting, the IC shall hear the Complainant, record the allegations, and encourage the Complainant to submit any corroborative material with documentary proof, oral or written material, etc. to substantiate the complaint.

Statement of allegations to Respondent Within seven working days from the initial complaint, the IC shall forward a copy of the complaint or a statement of allegations to the Respondent, and give the Respondent an opportunity to submit a written explanation.

(c) Written response from Respondent

The Respondent will receive a copy of the complaint within seven days of the complaint being lodged with the Committee. The Respondent will have an opportunity to submit a written response, along with a list of witnesses' dates and events if any, to the Committee or make an oral representation in response to the contents of the complaint within ten days of receipt of the complaint.

(d) Internal Committee jurisdiction

In the event the Committee concludes that prima facie the complaint does not fall within the purview of sexual harassment, the Internal Committee will forward the complaint to the relevant adjudicating body that can look into the complaint.

Once the complaint has been filed, the following courses of action may be taken:

5.A. Informal Resolution

Conciliation The Complainant can communicate disapproval and objections immediately to the Respondent and request the Respondent to behave appropriately.

- i. Before initiating an inquiry and at the request of the Complainant, the IC may take steps to settle the matter between him/her and the respondent through conciliation, provided that no monetary settlement shall be made a basis of conciliation.
- ii. If a settlement has been arrived at, the IC needs to record the settlement and forward the same to the employer to take action as specified in the recommendation.
- iii. The IC needs to provide the copies of the settlement, as recorded, to the Complainant and the respondent.
- iv. Where a settlement has been arrived at, no further inquiry needs to be conducted by the IC.
- v. However, in the event
 1. no conciliation is requested for by the Complainant, or
 2. no settlement has been arrived at between the parties, and / or
 3. if the Complainant informs the IC that any term or condition of the Settlement arrived at earlier has not been complied with, then the IC, in the above situations, needs to proceed to inquire into the complaint.

5.B. Formal Resolution:

The IC shall within a period of 2 weeks from the completion of any mediation process, and whose progress or conclusions are found not acceptable to either the complainant or the respondent, proceed to conduct a full enquiry into the allegation of sexual harassment and complete the enquiry within 90 days from the date of receipt of the complaint.

(a) Attendance at an inquiry hearing

The committee will provide a reasonable opportunity of being heard to both, the Complainant and the Respondent. Both the Respondent and the Complainant (unless specifically exempted by the IC in writing) shall be required to attend every hearing that they have been called for. If either party fails to attend three consecutive hearings without sufficient cause, the IC may terminate the inquiry or pass an ex- parte order with fifteen days' notice to the concerned party.

(b) Summoning Witnesses

While conducting the inquiry, the IC shall call upon such Witnesses as it may deem appropriate. The Complainant and the Respondent will have the right to submit a list of Witnesses.

(c) Completion of inquiry report

The Committee will complete the inquiry within ninety days of receiving the complaint and submit a written report containing the findings and recommendations to Managing Director (as decided by the company).

(d) Action taken by Company

The Company will ensure corrective action on the recommendations of the Committee within sixty days of receiving the inquiry report. The IC will keep the Complainant and the Respondent informed of the same.

(e) Appeal for re-evaluation

If a Complainant or Respondent feels that the action taken pursuant to the complaint of sexual harassment does not fully or properly deal with the allegations raised in the complaint, they can bring the same to the notice of the Committee, which would then re-evaluate it accordingly on receipt of such other evidence. Additionally, if any party is not satisfied with the recommendation/ decision of the committee, he/she may appeal to the appellate authority in accordance with the act within 90 days of the recommendation being communicated.

(f) Legal representation

Neither the Complainant nor the Respondent will have the right to be represented by legal counsel at any stage of inquiry by the Committee.

(g) Assistance during criminal proceedings

If the Complainant desires to take criminal action against the Respondent, there shall be no objection by the Internal Committee and the Company. In such an event, the Company will attempt to provide all reasonable assistance to the Complainant. The Company may also choose to initiate criminal proceedings against the Respondent.

6. CORRECTIVE ACTION

Where the Committee arrives at the conclusion that the allegation against the Respondent 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
- with holding of pay rise or increments
- Termination of services of the employee found guilty of the offense
- carrying out community service

7. ACTION DURING PENDENCY OF INQUIRY

The Committee is empowered to issue certain interim orders during the pendency of the inquiry on the written request of the Complainant. This is to provide interim protection to the Complainant. These include:

- A transfer of the Complainant or of the Respondent to another workplace ● Grant of leave to the Complainant for a period up to three months
- Restraint on the Respondent from reporting on the work performance of the Complainant, or from writing their confidential report, and assigning the said task to another officer;
- Such other relief as may be prescribed in the applicable law.

8. 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 Witnesses involved with the process is kept confidential. Anyone (Witness, Committee Members, Respondent or Complainant) who breaches this clause is liable to be penalized with consequences ranging from a fine of five thousand rupees to additional disciplinary action.

9. ACCESS TO REPORTS 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.

INQUIRY REPORT

- i) All proceedings of the IC will be recorded and along with the statement of witnesses shall be endorsed by the complainant and respondent. The refusal to endorse the same by either party shall be noted by the IC.
- ii) On the completion of the enquiry, the IC will submit a written report to the Company within a period of 10 days from the date of completion of the enquiry and made available to the concerned parties. The enquiry report shall specify the details of the charges against the respondent, the evidence led in the enquiry and the reasons based on which the Committee has reached its decision.
- iii) If the IC forms the opinion that the respondent has indulged in sexual harassment in the work place, an appropriate disciplinary action would be taken against him/her by the Company irrespective of his/her status in the Company. Disciplinary action will be initiated by Human Resources Department within 60 days from the date of receipt of the recommendations from the Committee and may include any of the following:

- a. The services of the employee would be terminated or such action would be initiated as recommended by the IC
- b. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, a complaint will be made to the appropriate authority so that action in accordance with the prevailing law can be taken;
- c. Transfer of the complainant or the perpetrator, if the Company deems fit to do so based on the recommendations of the IC.
- d. To deduct from the salary of the respondent such sum as it may consider appropriate to be paid to the complainant

10. Compensation

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

In Addition to disciplinary action recommended, the Committee is empowered for monetary compensation recommendation, factoring in the income and financial status of the respondent, in the following situations:

- Loss in career opportunity
- Mental trauma, pain, emotional stress or any other suffering.
- Medical Expenses borne by the Complainant (Both physical and psychiatric)

The compensation amount will be paid as one-time payment or by Instalments.

11. FALSE OR MALICIOUS COMPLAINT

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 Internal Committee will be similar to the recommendations of disciplinary action to be taken against the Respondent if she/he is found guilty of sexual harassment, as discussed in clause.

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.

12. 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 as a separate case of harassment. Anyone who abuses this procedure (for example, by maliciously putting 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 victimize or discriminate against a Complainant or Witnesses while dealing with complaints of sexual harassment.

13. 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.

14. CONCLUSION

In conclusion, Consolidated Private Limited reiterates its commitment to providing its employees with a workplace free from sexual harassment, where every employee is treated with dignity and respect.

DO'S AND DON'TS

DO's

If you have faced sexual harassment in the workplace, we advise you to,

1. Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response, etc.). While the committee understands if you do not have a record of the same, a record of any details can strengthen your case and help you remember details over time.
2. Report incidents of workplace harassment as soon as possible after the incident occurs, as it aids in better recall of the incident and helps the Committee better ensure the employee's safety.

DON'Ts

Our company is committed to the safety and well being of all those associated with us. To ensure that the workplace is safe we would like to list the behaviours we expect employee and associates to avoid

1. 1. Eve teasing
2. Unwelcome sexual advances or propositions, whether they involve physical touching or not.

3. Comments on personal appearance and individual's body.
4. Sexual comments, innuendoes, gestures, and suggestive or insulting comments.
5. Use of lewd, foul, off-color, sexually-oriented language or "dirty" jokes with sexual implications.
6. Sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex and personal life.
7. Comments about an individual's sexual activity, deficiencies, or prowess.
8. Leering or staring at another's body and/or sexually suggestive gesturing.
9. Whistling, touching, stroking someone's hair, brushing against another's body, pinching, patting, rubbing; grabbing, groping, kissing or fondling another person.
10. Displaying sexually suggestive or explicit objects, posters, pictures, photographs, calendars, cartoons, screen savers or one's own body parts.
11. Sitting in an obscene manner.
12. Direct or implied inquiries into one's sexual experiences;
13. The transmission of a sexually offensive e-mail, voicemail, or instant or text messages.
14. Unwelcome repeated requests for dates or outings.
15. Gender-based insults or sexist remarks.
16. Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like such as prank calls, leaving lewd messages on answering machines, SMS, email, or by any other means.
17. Forcible physical touch or molestation and physical confinement against one's will.
18. Other behaviour or acts that make the workplace intimidating.
19. Gender stereotyping (for example, women only come late and leave early, or women don't do their work properly, etc.)