

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF EMPLOYEES IN PROFICIENT PARTNERS CONSULTANCY PRIVATE LIMITED AS AMENDED BY THE BOARD OF DIRECTORS IN THEIR MEETING HELD ON 12th JANUARY 2024.

1. INTRODUCTION AND OBJECTIVE:

The '**Proficient Partners Consultancy Pvt Ltd**' (hereinafter referred to as **Proficient Partners/The Company**) is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the workplace or other than work place if involving employees is a grave offence and is, therefore, punishable.

The policy is made under the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (hereinafter referred to as 'The Act')** and in accordance with the Hon. Supreme Court Guidelines on Sexual Harassment at workplace. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

The 'Policy on Prevention of Sexual Harassment of women at workplace' 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.

2. SCOPE AND EFFECTIVE DATE:

The Policy shall apply to all persons employed at the work place for any work of regular, temporary, ad hoc or daily wages basis, directly or through an agent / contractor, including persons working on a voluntary basis and apprentices, trainees, probationers, agent, including consultants of the company at its workplace or at client sites and shall come into force with immediate effect. This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

3. DEFINITIONS:

I. Sexual harassment:

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 employee and someone that employee deals with in 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), whether intentional or not, but not limited to:

- 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 sexual advances;
 - ii. Requests or Demand for sexual favor either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - iv. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, talking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals' sensibilities and affect her performance;
 - v. 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.;
 - vi. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vii. Giving gifts or leaving objects that are sexually suggestive;
 - viii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - ix. Persistent watching, following, contacting of a person;
 - x. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex; and
 - xi. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- b. The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:
 - i. Implied or explicit promise of preferential treatment in employment;
 - ii. Implied or explicit threat of detrimental treatment in employment;
 - iii. Implied or explicit threat about the present or future employment status;

- iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- v. Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. 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.

- II. **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.
- III. **Complainant:** Any aggrieved woman who makes a complaint alleging sexual harassment under this policy.
- IV. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy.
- V. **Workplace:**
 - i. Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company.
 - ii. 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.
- VI. **Employer:** A person responsible for management, supervision and control of the workplace.
- VII. **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 or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

4. RIGHTS AND RESPONSIBILITIES:

- 4.1 It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
 - a. Refusing to participate in any activity which constitutes harassment;
 - b. Supporting the person to reject unwelcome behaviour; or
 - c. Acting as a witness if the person being harassed decides to lodge a complaint.

- 4.2 All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

5. RIGHTS OF WOMEN EMPLOYEE:

- 5.1 Every woman employee shall be entitled to a work environment with dignity and free from sexual harassment.
- 5.2 Every woman employee shall be entitled to complain against Sexually Oriented Behavior to which she was subject to or which has targeted at her, to the Internal Committee or to the chairperson or any other member of the Internal Committee established under the policy, as the case may be.
- 5.3 Every woman employee shall promptly report any incident of sexual harassment that comes to her knowledge to the Internal Committee or to the chairperson of the Internal Committee, as the case may be.

6. THE INTERNAL COMMITTEE CONSTITUTION:

- 6.1 The Complaints of sexual harassment made by woman employees shall be dealt with by the Internal Committee (“**ICC**”). The names and contact details of the members of the Internal Committee (IC) is given in **Annexure I**.
- 6.2 The term of the office of the Internal Committee is for a period of 3 years from today. On the expiry of the three years period, the exiting members of the Internal Committee will continue to hold office, till new Internal Committee is constituted. If a member of the Internal Committee who is an employee of the company and when she/he ceases to be an employee of the company then she/he will also ceaseto be member of the Internal Committee and internal Committee may be reconstituted therein to appoint another member in place of resigning member.
- 6.3 A quorum of 3 (three) members is required to be present for the proceedings to take place. The quorum shall mandatorily include the Chairperson and other two members.
- 6.4 The committee will be responsible for:
- a. Receiving complaints of sexual harassment at the workplace;
 - b. Initiating and conducting inquiry as per the established procedure;
 - c. Submitting findings and recommendations of inquiries;
 - d. Coordinating with the employer in implementing appropriate action;
 - e. Maintaining strict confidentiality throughout the process as per established guidelines; and
 - f. Submitting annual reports in the prescribed format.

7. REDRESSAL PROCEDURE AND MECHANISM – FORMAL INTERVENTION

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

8. LODGING A COMPLAINT:

- a. The complainant needs to submit a detailed complaint, along with documentary evidence available, if any, or names of witnesses, to any of the committee members at the workplace.
- b. The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by **another 3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the women for making the complaint in writing.

- c. If the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

9. RESOLUTION PROCEDURE THROUGH CONCILIATION:

- a. Immediately upon receipt of the complaint, the Member of the Internal Committee to whom the complaint is made shall communicate the same to the Chairperson of the Internal Committee.
- b. Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.
- c. It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings are cleared.
- d. 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.

- e. The committee provides copies of the settlement to complainant and respondent. Once the action is implemented, no further inquiry is conducted.
- f. No monetary settlement can be made as a basis of conciliation.

10. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY:

10.1 Conducting Inquiry:

The committee initiates inquiry in the following cases:

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

10.2 Manner and Procedure of inquiry into complaint:

- a. The Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- b. The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- c. The Committee shall proceed with the enquiry and communicate the same to the Complainant and the Respondent.
- d. Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
- e. At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
- f. Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
- g. Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- h. The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- i. If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- j. The Committee shall call upon all witnesses mentioned by both the parties.

- k. The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- l. If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- m. No legal practitioner can represent any party at any stage of the inquiry procedure.
- n. The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice.
- o. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present.
- p. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- q. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- r. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.
- s. If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.
- t. Any such inquiry shall be completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

10.3 Termination of Inquiry:

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

10.4 Interim relief:

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

- a. Transfer the complainant or the respondent to any other workplace ;
- b. Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled;
- c. Prevent the respondent from assessing complainant's work performance; or
- d. Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the same is informed to the committee.

10.5 Action to be taken after inquiry:

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

10.6 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.

10.7 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. Counselling
- 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 employer may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

10.8 Penal Consequences of Sexual Harassment:

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer,

for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

10.9 Malicious Allegations:

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

11. PROTECTION AGAINST VICTIMISATION:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

12. 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 the act.

13. 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, within 90 days of the recommendations being communicated.

14. DISSEMINATION OF THE POLICY:

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

15. SAVINGS:

The proceedings under the policy shall not stall or postponed merely because the complainant is proceeding against the respondent under any other provision of civil or criminal law.

ANNEXURE - I

Name and Details of Internal Committee Members:

Sr. No.	Name	Designation	Email ID
1	Ms. Bhagyashree Kolhatkar	Presiding Officer	bhagyashree1004@gmail.com
2.	Mr. Vikram Pitale	Internal Member	vikrampitale@gmail.com
3.	Mr. Baban Natu	Internal Member	natu.baban@gmail.com
4.	Ms. Kavita Malani	External Member	kavitamalanics@gmail.com

Note: - The Policy is as per The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules made there under as in force from 09/12/2013.