

ANTI SEXUAL HARASSMENT POLICY**CONTENTS:**

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1. OBJECTIVE:

1.1 As an organization UNIJOLLY INVESTMENTS COMPANY LIMITED (UICL) is committed to conducting and governing itself with ethics, transparency and accountability and in consonance with these values, UICL is dedicated to ensuring that the work environment at all UICL locations is conducive to fair, safe and harmonious relations, based on mutual trust and respect, between all the employees of UICL. UICL strives to guarantee a safe and welcoming environment to all those who visit any of UICL locations in any capacity, such as customers, patients, attendants or relatives of the patients, vendors etc including employees without any discrimination or harassment of any nature. UICL is committed to promote and maintain this culture in all the employees of UICL to ensure that they do not engage in any abusive practices in any manner whatsoever. UICL aims to provide a safe and pleasant working environment free of any form of sexual harassment against or by any employee.

1.2 Through the medium of this policy, UICL prohibits occurrence of any type of sexual harassment and details procedures to be followed when any employee or visitor to UICL believes that a violation of the policy has occurred within the framework of all applicable regulations regarding sexual harassment. Making a false complaint of sexual harassment or providing false information regarding a complaint will also be regarded as a violation of the policy.

1.3 Violation of this policy will entail or subject the person involved in the sexual harassment to strict action in accordance with this policy and as per the law applicable.

2. ACRONYMS

Term/Acronym	Explanation/ Meaning
UICL	UNIJOLLY INVESTMENTS COMPANY LIMITED
HR	Human Resources Department
NGO	Non-Governmental Organization
HRC	Harassment Internal Complaints Committee
Visitor	Any visitor to UICL including customers, patients, attendants or relatives of the patients, vendors etc.

3. APPLICABILITY

3.1 This policy is applicable to all employees of UICL including those employed on contractual basis. This policy is also applicable to those who are not employees of UICL such as customers, visitors etc., but who are subjected to sexual harassment at the premises of UICL.

4. SCOPE

4.1 The scope of this policy is restricted to the following for all employees of UICL and others covered under this policy.

- All or any locations of UICL
- Any external location visited by the employee due to or during the course of their employment with UICL
- Any mode of transport provided by UICL for undertaking a journey to and from the above locations

4.2 The scope includes, any complaint raised specifically by an employee of UICL or a visitor to UICL due to being subjected to any act of sexual harassment by another employee of UICL or a visitor to UICL:

- i. At any location, including but not limited to the private residences of the aggrieved employee
- ii. In any mode of transport provided by UICL

5. EFFECTIVE DATE

5.1 The Policy comes into force with effect from May 31, 2014.

6. DEFINITIONS

6.1 "Sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:- (i) physical contact and advances; or (ii) a demand or request for sexual favours; or (iii) making sexually coloured remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

6.2 The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment, may amount to sexual harassment:---

- (i) implied or explicit promise of preferential treatment in her employment: or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status: or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

6.3 Hostile work environment includes:

- Hostile environment sexual harassment occurs when either speech or conduct of a sexual nature takes place and is seen or perceived as offensive and interferes with the work performance of the recipient, or any one or more employees.
- Hostile environment sexual harassment may also include intimidating or harassing conduct that is directed at an individual or a group of individuals.
- It will also mean related retaliation which includes marginalizing someone in the work place with regard to his/ her roles and responsibilities, socially ostracizing, intimidating someone physically, psychologically and emotionally or someone close to or related to the victim.

6.4 The above is only an indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

7. COMMUNICATION

7.1 UICL will circulate this policy to all the employees including all new joinees.

8. HARASSMENT INTERNAL COMPLAINTS COMMITTEE

8.1 UICL will have a Harassment Internal Complaints Committee (HRC) to specifically address any complaints of sexual harassment. HRC will be headed by a Presiding Officer who shall be a woman employed at a senior level in UICL. The other members would be two employees of UICL committed to the cause of women or who have had experience in social work or have legal knowledge, and one member from a non-governmental organization committed to the cause of women or who have had experience in social work or have legal knowledge. The Presiding Officer and the other members of HRC will be nominated by Managing Director of UICL. At least one half of the total members nominated shall be women. HRC would review all cases of sexual harassment reported within UICL, on a case to case basis.

9. PROCEDURE FOR COMPLAINTS:

- 9.1 The Head of Human Resources Department (HR) shall be the designated Executive for co-ordinating activities of HRC. HR will have information on the constitution and members of HRC.
- 9.2 Any aggrieved employee of or visitor to UICL who has been subjected to sexual harassment shall lodge a complaint with HRC of UICL in writing with a detailed statement of the incident(s)/ allegation(s), circumstances giving rise to the complaint, date(s) of the alleged occurrences and the names of witnesses if any, with the Head of HR.
- 9.3 The complaint shall be signed by the Complainant and an acknowledgement to the complaint obtained.
- 9.4 Such written complaint shall be lodged within a period of three months from the date of the incident and in case of series of complaints, within a period of three months from the date of last incident.
- 9.5 Where a complaint cannot be made in writing, the Presiding Officer or any Member of HRC shall render all reasonable assistance to the aggrieved person for making the complaint in writing.
- 9.6 HRC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were

- such which prevented the person from filing a complaint within the said period.
- 9.7 Where the aggrieved employee is unable to make a complaint on account of her/ his physical or mental incapacity or death or otherwise, her/ his legal heir may make a complaint within a period of 3 months from the date of incident.
- 9.8 Complaints made anonymously or by a third party shall also be investigated to the extent possible.
- 9.9 The Head of Human Resources Department shall intimate the same to the Presiding Officer of HRC who would within one week from the date of receipt of the complaint would personally have a meeting with the complainant to assess the complaint.

10. PROCEDURE OF INQUIRY TO BE FOLLOWED BY HRC

- 10.1 HRC would send a copy of the complaint to the respondent against whom the complaint of harassment is made and seek a written explanation within one week from the date of receipt and call for a meeting of the HRC after the receipt of the written reply from the respondent.
- 10.2 HRC may, before initiating an inquiry and at the request of the complainant, take steps to settle the matter between her and the respondent through conciliation other than a monetary settlement.
- 10.3 Where such a settlement has been arrived at, HRC shall record the settlement so arrived duly signed by the Complainant and respondent and endorsed by any member of HRC and forward the same to UICL to take action as specified in the settlement.
- 10.4 HRC shall provide the copies of the settlement as recorded to the Complainant and the respondent.
- 10.5 Where such a settlement is arrived at, no further inquiry shall be conducted by HRC.
- 10.6 Where the Complainant informs HRC that any term or condition of the settlement arrived at, is not complied with by the respondent, HRC shall proceed to make an inquiry.
- 10.7 In cases where no settlement is requested for by the aggrieved person, HRC can proceed to make an inquiry.
- 10.8 Where both the complainant and the respondent are the employees of UICL, HRC shall give an opportunity of being heard to both the parties and a copy of the finding shall be made available to both the parties enabling them to make representation against the findings before HRC.
- 10.9 HRC would organize hearings with the complainant and the respondent and conduct the proceedings exercising the powers as are vested in a civil court.

- 10.10 HRC would conduct the proceedings summoning and enforcing the attendance of any person and examination under oath including recording the testimonies, examination and cross examination, requiring discovery and production of documents and review of evidence etc., based on principles of natural justice.
- 10.11 During the pendency of an inquiry, on a written request made by the Complainant, HRC may recommend transfer of the Complainant or the respondent to any other workplace; or grant leave to the aggrieved person up to a period of three months: or grant such other relief as the Committee may decide. Such leave granted to the Complainant under this proviso shall be in addition to the leave she would be otherwise normally entitled.
- 10.12 HRC would report its findings to UICL after carefully examining the complaint, proceedings, testimonies, examination and cross examination, evidences etc. within a period of ten days from the date of completion of the inquiry. The decision of HRC would be also communicated to the Complainant and the Respondent in writing.
- 10.13 All the proceedings of HRC would be held confidentially.
- 10.14 Where HRC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to UICL that no action is required to be taken in the matter.
- 10.15 Where HRC arrives at the conclusion that the allegation against the respondent has been proved, it shall award the disciplinary punishment to the respondent which may include termination of services and/ or to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the Complainant or to her legal heirs, as it may determine.
- 10.16 In case UICL is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment, HRC may direct the respondent to pay such sum to the Complainant.
- 10.17 In case the respondent fails to pay the sum ordered by HRC which could not be recovered from him by UICL, HRC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer appointed by the State Government u/s 5 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 10.18 For the purpose of determining the sums to be paid to the aggrieved woman by the respondent, the HRC, 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 instalments.

- 10.19 Where HRC arrives at a conclusion that the allegation against the respondent is malicious (which intent shall be established after inquiry) 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 UICL or the District Officer as the case may be, to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to her or him or applicable law. It may be noted that mere inability to substantiate a complaint or provide adequate proof will not be a ground for any action under this clause and malicious intent shall be established after inquiry in accordance with procedure.
- 10.20 Where HRC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.
- 10.21 The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of HRC and the action taken shall not be published, communicated or made known to the public, press and media in any manner.
- 10.22 The decision of HRC shall be final and binding on UICL, the complainant and the respondent.
- 10.23 Appeal against the order of the HRC lies as per applicable law, within 90 days of the recommendations of HRC.

11. ANNUAL REPORTS

- 11.1 HRC shall in each calendar year prepare an annual report and submit the same to UICL and the District Officer.
- 11.2 UICL shall include in its Annual report the number of cases filed, if any, and their disposal under this policy.

12. GENERAL

12.1 UICL assures that all complaints will be treated seriously, kept as confidential as possible and investigated fully. UICL expressly forbids any retaliation against employees for reporting sexual harassment. If, however, the company finds that false charges have been filed, disciplinary action may be taken against anyone who provides false information.