SEXUAL HARASSMENT POLICY

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Applicability:

This policy is known as the Sexual Harassment of Women at Workplace (Prevention, Protection & Redressal) Act,2013, and Rules (hereafter referred to as SHW Policy), and it applies to all employees of Cybele.

(a) On the rolls of the company
(b) Engaged through contractor(s) having service agreement with the company or as enumerated inclause (f) of section 2 of the Sexual Harassment of Women at Workplace Act.

Objective :

This policy has been formulated in accordance with the provisions of the Act and its Rules. It defines guidelines and the process to be followed to protect women at workplaces against sexual harassment and to prevent and redress complaints of sexual harassment, in additionto the matters connected therewith or incidental thereto.
Sexual Harassment is not only a serious misconduct but also a criminal offense, which is against Human dignity and freedom.

It shall be the duty of the Management to prevent or deter the commission of any act of sexual harassment at the workplace. Sexual Harassment will be considered misconduct, and action will be initiated based on the inquiry's findings in this context.

Abbreviations:

In this policy document, unless there is anything repugnant to the subject or context, the words and expressions stated below shall have the following meanings.

CE—Complainant Employee: This refers to any woman employee who has lodged a complaint of sexual harassment at her workplace and has been subjected to any act of sexual harassment byanother employee, hereinafter referred to as Respondent.

IC - Internal Committee

Management means the Board of Directors, JMD, and AGM, or such other officers or nominees as may be authorized by the Board and notified on the company's notice board.

RE - Respondent Employee, against whom the complaint for Sexual Harassment has been lodged.

Workplace—This refers to clause O of the Sexual Harassment of Women at Workplace (Prevention, Protection & Redressal) Act, 2013, and includes offices, factory, warehouses, dealer or distribution agents' workplaces, or the venue hired for official purposes. It also includes any place visited by the employees arising out of or during employment, including transportation provided by the company for undertaking the official Journey.

SEXUAL HARASSMENT

Sexual Harassment includes any one or more of the following unwelcome acts or behavior, whetherdirectly or by implication, namely: -

(a) Physical contact and advances or
(b) A demand or request for any sexual favours or
(c) Making sexually coloured remarks or
(d) Showing pornography or
(e) Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature

The following circumstance, among other circumstances, if it occurs or is present in relation to orconnected with any act or behavior of Sexual Harassment:

(e) Implied or explicit promise of preferential treatment in her employment or
(f) The implied or explicit threat of detrimental treatment in her employment
(g) Implied or explicit threat about her present or future employment status or
(h) Interference with her work or creating an intimidating, offensive, or hostile workenvironment for her; or
(i) Humiliating treatment is likely to affect her health or safety.

Internal Committee:

The Management will appoint internal committee members and communicate this to employees through circulars as and when changes are made.

Provided that at least one-half of the total members nominated shall be women.

The presiding officer and the members of the IC shall hold office for a period not exceeding three years from their nomination by the management.

The member appointed from the NGO shall be paid such fees or allowances as the Management may prescribe for holding the proceedings of the IC.

The members would preferably commit to the cause of women or who had experience in social work or have legal knowledge.

An external member is a person from amongst NGOs or associations committed to the cause of women or familiar with the issues relating to SH.

Every member shall hold office for a period not exceeding three years from the date of their nominations as may be specified by the Management.

Where the Presiding Officer or the members act contrary to the Act/policy or has been convicted for an offence or pending against him/her, shall be removed from the committee, and the vacancy, so created or any casual vacancy may be filled by fresh nominations in accordance with the provisions of the Act / Policy.

Procedure for filing a complaint:

The aggrieved woman should file a complaint within three months from the date of the incident and, in case of a series of incidents, within three months from the last incident. The complaint by the aggrieved woman employee shall be in writing to IC and sent either by post or given to the IC or any officer authorized by IC in writing.

The IC 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 employee from filing a complaint within the said period. Where the employee cannot complain about her physical or mental incapacity or death or otherwise, her legal heir may make a complaint on behalf of the complainant.

In addition to the above, the following pesons can also make a complaint on behalf of the aggrieved woman;

(a) Her friend or relative, or
(b) Her co-worker; or
(c) A person who knows about the incident, with written consent from the aggrieved woman
(d) An officer of the National Commission for Women, State Women's Commission, or
(e) Special educator; or
(f) A qualified psychiatrist or psychologist.

Procedure to be followed after receipt of a complaint:

The IC would peruse the complaint and evaluate whether there is a prima facie case. The CE would not be subjected to enquiry more than once. If required, more than once due to the issue's complexity, utmost sensitivity should be displayed. Adequate precautions would be taken to ensure the dignity of the CE.

The IC may, therefore, before initiating an enquiry and at the request of the CE, initiate steps to settle the matter between her and RE through conciliation, provided that no monetary settlement shall be made as the basis of mediation. When the settlement arrives during the conciliation, the IC shall record the conciliation and forward it to the Management or the District Officer to take action. However, if the terms that arrived during the conciliation have yet to be complied with by RE, the IC shall initiate the enquiry process or, as the case may be, forward the complaint to the police. Through conciliation, copies of the settlement shall be provided to both parties.

The IC shall submit the enquiry findings to the Board and its recommendations, including the penalty to be imposed.

If no settlement is arrived at, the IC shall, where the respondent is an employee, proceed to enquire about the complaint according to the service rules or code of conduct of the company.

Where both parties are company employees, during enquiry, both parties should be given an opportunity to be heard and a copy of the findings made available to both parties, enabling them to make representations before the committee.

Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums it may consider appropriate to the aggrieved woman by the Respondent, having regard to the provision of section 15 about the determination of compensation.

The submission of the recommendation of the IC to the Board shall be completed within 90 (ninety) days from the date of receipt of the complaint by the IC.

The Administration department will extend full cooperation in facilitating the conduct of the proceedings by the IC.

Action during the pendency of inquiry :

During the pendency of an inquiry, on a written request made by the CE, the IC may recommend to the Management to;

(a) Transfer the CE or the RE to any other workplace; or
(b) Grant leave to the CE for up to three months or
(c) Grant such other relief to the CE as may be prescribed.
(d) The leave granted to the CE may be in addition to the leave to which she would be otherwise entitled.

Guidelines while recommending an action:

(a) To conduct the enquiry as per the principles of natural justice and in a confident manner
(b) If the IC recommends compensation to the CE, the Board shall make arrangements to deduct the amount from the RE's salary/wages and pay it to the CE or their legal heir(s).
(c) If the RE fails to pay the compensation, the IC may forward the order to recover the compensation as an arrear of land revenue to the concerned District Officer.
(d) Where the IC arrives that the allegation against the RE is malicious, the CE has made a complaint knowing it is false, or the CE has produced forged documents, it may recommend to the Board to take action against the CE, as stipulated in section 14 of the Act.
(e) When the IC concludes that any witness gave false evidence or produced forged documents during the enquiry, it may recommend to the Board that appropriate action be taken against that witness.

Guidelines for the Management

(a) The Management shall assist the CE if she files a police complaint about the offence under the Indian Penal Code or any other law currently in force.
(b) The Management shall also initiate an action under the IPC or any other law time being in force if the perpetrator is not an employee of the company. In contrast, the SH took place is in the workplace.
(c) The IC shall submit an annual report to the Board as per the Act, and it is the Board's responsibility to the District Officer in the applicable format.
(d) The Management shall direct and monitor the HR department to ensure the display at conspicuous places on the guidelines as per section 19(b) of the Act.
(e) The Management shall ensure to create awareness amongst the employees on Sexual harassment by conducting Training cum awareness sessions for the employees, for IC members and awareness sessions for the senior members of the company.
(f) The Management or any authorised person shall assist in ensuring the attendance of the RE and witness before the IC, as the case may be.

(g) The Management shall monitor the timely submission of reports and conduct periodic meetings with the Senior staff/ HR department to ensure that the said policy is being adhered to in letter and spirit.

Appeal by the aggrieved person:

If the aggrieved person is not satisfied with the inquiry process or not conducted following the principle of natural justice, she may prefer an appeal to the Management and, if not satisfied, to the court or tribunal by the existing law in force