
PSB ALLIANCE PVT.LTD

Policy on Prevention of Sexual Harassment of Women at Workplace

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1. Objective and Applicability

- i. To fulfil the directives prescribed under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ('Act').
- ii. To ensure that PSB Alliance Pvt. Ltd. (hereinafter referred to as "The Company") implements the policy in accordance with the Act in letter and spirit by undertaking all necessary and reasonable steps to provide a safe environment free of discrimination and violence against women, the Company is clearly outlining and actively discouraging the non-acceptable actions / behaviours which lead to direct/indirect harassment of any women at workplace.
- iii. To establish a mechanism to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.
- iv. The Company adopts a policy of zero tolerance against any such conduct that violates the guidelines set by the law.

2. Definitions

- A. **"Sexual harassment"** at workplace is defined as: Such unwelcome sexually determined behaviour by a male employee towards a female employee (whether directly or by implication) as:
1. Physical contact and advances;
 2. A demand or request for sexual favours;
 3. Sexually coloured remarks;
 4. Showing pornography;
 5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
 6. The following circumstances among other circumstances if it occurs or is present in relation to or connected with any act or behaviour mentioned in 1 to 5 above including demand of sexual favours, will amount to sexual harassment of a woman.
 - I. Implied or explicit promise of preferential treatment in her employment: or
 - II. Implied or explicit threat of detrimental treatment in her employment, if demands are not met:
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 adversely affect her health or safety.

The following acts or omissions would also be considered sexual harassment and shall come under the purview of this Policy. (Illustrative and not exhaustive):

1. Eve-teasing

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2. Sexually coloured jokes, innuendos and taunts causing or likely to cause awkwardness or embarrassment
 3. Gender based insults or sexist remarks
 4. Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls), text messages, e-mails or on social media.
 5. Touching or brushing against any part of the body
 6. Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings
 7. Forcible physical touch or molestation
 8. Physical confinement against one's will and any other act likely to violate one's privacy.
- B. "Complainant" means a woman, of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the 'Respondent'.
- C. 'Respondent' means a person against whom the Complainant has made a complaint of Sexual Harassment.
- D. "**Employee**" means 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, contract worker, probationer, trainee, apprentice or called by any other such name. It also includes any visitor at Workplace or any person who is a temporary resident of any of the accommodations or premises allotted by the Company.

This Policy shall be applicable to all permanent, temporary, casual, consultants, contract (either directly or through an agent including a contractor), probationers and apprentices including visitors if any.

- E. "**Employer**" means any person responsible for the management, supervision and control of the work place and includes the person discharging contractual obligations with respect to his or her employees. The term 'Management' as referred to in the above definition includes the person or Board or Committee responsible for formulation and administration of policies.
- F. "**Workplace**" means any Office, Processing Centre, or any other work premises, where work connected with the affairs of the Company is being carried out. It also includes any place visited by employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey. It also includes any such location where an employee may visit to carry out the Company's business or attend any seminar, training, conference, etc. or attend a function including get-together and picnic organized by the Company.
- G. "**Disciplinary Authority**" means the Head HR or any other officer nominated by the Company who is empowered to inflict any punishment as indicated in the policy.

3. Coverage

This Policy applies to all Employees of the Company (including those on contract and deputation) and shall be deemed to be incorporated in the service conditions/Terms of appointment/.

4. Version Control

The Head HR of the Company shall be the custodian of this Policy. Any revisions to the existing policy will require approval of the Head HR

5. Constitution of Sexual Harassment Redressal Committee

An “Internal Complaints Committee” consisting of three members of which majority should be female members including a representative from an NGO committed to the cause of women or a person familiar with the issues relating to sexual harassment (hereinafter referred as “ICC”) shall be constituted to make an inquiry into any complaint of Sexual Harassment at the Workplace made by an Employee.

The constitution of current ICC is as per Annexure I. The qualification and constitution of the ICC is in conformance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

6. Redressal process

How to file a Complaint?

- a) It is the obligation of all Employees to report sexual harassment experienced by them personally.
- b) Where the Complainant is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section. Further, any Member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.
- c) The concerned Employee shall give the complaint in writing to any ICC member, giving details of the incident within period of three months of its occurrence and in case of a series of incidents, within a period of three months from the date of the last incident.
- d) Keep a record of incidents (dates, times, locations, possible witness, detail of incidents, SMS, call records, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen the case and helps remembering the details over time, especially when the complaint is not filed immediately.
- e) An Employee should send a written complaint ICC. The employee may also email the complaint to.....

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- f) If the complaint is oral, it shall be noted in writing by the ICC member receiving the complaint and the same shall be authenticated by the Complainant under her dated signature or thumb impression as the case may be.
- g) A co-worker may also inform the ICC of any instance or behaviour of sexual harassment by a co-worker towards another Employee.
- h) The ICC member, who receives the complaint, will make a record of the same in the Complaint Register maintained for this purpose and provide an acknowledgement.
- i) The complaint should include the contact details of the Complainant / victim such as name, address, contact number, department etc. In both the cases above, the written complaint/email must provide the details of the incident together with the name/s of, the alleged harasser/s and the victim/s as available.

7. Procedure to be followed by the Internal Complaints Committee

- a. While the complaint must be filed by a Complainant in writing, within a period of three months from the date of occurrence of incident, in case there is a delay in filing of the complaint and if the committee is satisfied with the grounds of delay, it may condone such delay through reasoned order in writing and accept the complaint for redressal.
- b. **Establishing prima-facie case:** Within ten days of the receipt of a complaint, the ICC must determine whether a prima facie case of Sexual Harassment is made out. It shall carefully consider the complaint and may hear the Complainant and the Respondent and/or any other relevant person to determine whether an inquiry by the ICC is to be instituted. The Complainant can also submit any corroborative material with a documentary proof, oral or written material etc., to substantiate his/her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for a lady employee involved shall meet and record the statement.
- c. **Conciliatory Resolution of the Complaint:** The ICC may before initiating an inquiry and at the request of the Complainant take steps to settle the matter between her and the Respondent through a process of conciliation.
- d. **Closure of complaint if no Prima facie case is made out:** If the ICC decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of its meeting. The ICC shall make the same available to the Complainant in writing.
- e. **Closure of complaint which does not under the purview of Sexual Harassment:** In the event that complaint does not fall under purview of Sexual Harassment or the complaint does not mean an offence of sexual harassment, the same would be dropped after recording the reasons for the same in the minutes of ICC meeting.
- f. **Inquiry into Complaint:** Subject to sub-section (c) the ICC shall proceed to make inquiry into the complaint in conformity with the principles of natural justice and gender sensitivity.
- g. **Notice of Inquiry and Communication to the Complainant and the Respondent:** The ICC shall direct the Employer to issue a notice of enquiry consisting of date, location and time of the inquiry to the

Complainant and the Respondent. The venue of the inquiry should take into consideration the convenience and security of the Complainant.

- h. **Both parties to be heard:** The Complainant and the Respondent shall be heard and permitted to lead their evidences and examine and cross examine the witnesses so as to give opportunity to defend their claims.
- i. **Representation by Legal Practitioner not permitted:** Neither the Complainant nor the Respondent shall be permitted to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- j. **Answering sensitive questions:** The ICC shall inform the Complainant that she may give her answers to questions of a sensitive nature in writing at the inquiry proceedings during cross examination.
- k. **Restriction on evidence:** The ICC shall not permit any evidence or examination based on the Complainant's character, personal life, and conduct, personal and sexual history.
- l. **Right to summon additional witnesses and evidences:** The ICC may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- m. **Recording of the Proceedings:** All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- n. **Non-retaliation by the Respondent:** The Respondent shall be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
- o. **Confidentiality and Secrecy:** The members of the ICC, the Complainant, the Respondent and the witnesses shall maintain confidentiality about the proceedings in which they were involved.
- p. **Ex-Parte Enquiry:** The ICC shall have the right to terminate the inquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid grounds, to present himself for three consecutive hearings convened by the ICC.
- q. **Relief during Pendency of Enquiry:** During the pendency of an inquiry, on a written request made by the Complainant, the ICC may recommend the employer to-
 - a) Transfer the Complainant or the Respondent to any other workplace; or
 - b) Grant leave to the Complainant up to a period of three months; or
 - c) Grant such other relief to the Complainant as may be prescribed.

8. Timelines

Inquiry to be completed within 90 days. The ICC shall strive to complete the inquiry in the shortest possible time, not exceeding three months from the date on which the complaint is referred.

9. Submission of Findings of the Internal Complaints Committee

1. On the completion of an inquiry, the ICC shall provide a written report of its findings to the Employer, within a period of ten days from the date of completion of the inquiry and such report should also be made available to the concerned parties.
2. The inquiry report shall specify the details of the charge(s) against the Respondent, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the ICC.
3. If the ICC finds no merit in the complaint, it shall write to the Employer giving reasons for its conclusions and recommend that no action is required to be taken in the matter.
4. In the event that the ICC finds the Respondent guilty of sexual harassment, it shall recommend:
 - a) To take action for sexual harassment as a misconduct in accordance with provisions of service rules or standing order, wherever applicable.
 - b) In case where no service rules are available, it shall recommend the nature of disciplinary action to be taken taking into consideration the gravity of the offence of which the Respondent has been found guilty and the impact on the Complainant.
 - c) In case the Respondent is any contract/ agency worker or vendor or consultant or some such person, the forfeiture of such contract and award of penalty, apart from any other legal remedy as the Complainant may desire.
 - d) To deduct, notwithstanding anything in the service rules, from the salary or wages of the Respondent, or direct him to pay, a compensation amount which can be determined by considering the following factors:
 - ✓ the mental trauma, pain, suffering and emotional distress caused to the Complainant;
 - ✓ the loss in the career opportunity due to the incident of sexual harassment;
 - ✓ medical expenses incurred by the victim for physical or psychiatric treatment;
 - ✓ the income and financial status of the Respondent;
5. If the ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false or the Complainant has produced any forged or misleading document, it may recommend to the Employer to take action against the Complainant in accordance with the provisions of the service rules, or if no service rules are available, in consideration of the gravity of malicious intent. Malicious intent on part of the Complainant can be established only after an inquiry. A mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.
6. The final report must be examined and signed by all ICC members presiding over the matter.
7. In case the ICC finds that the degree of offence disclosed in the complaint is such that it constitutes an offence under the Indian Penal Code, then this fact shall be mentioned in the report and appropriate action shall be initiated by the Employer, for making a Police Complaint.

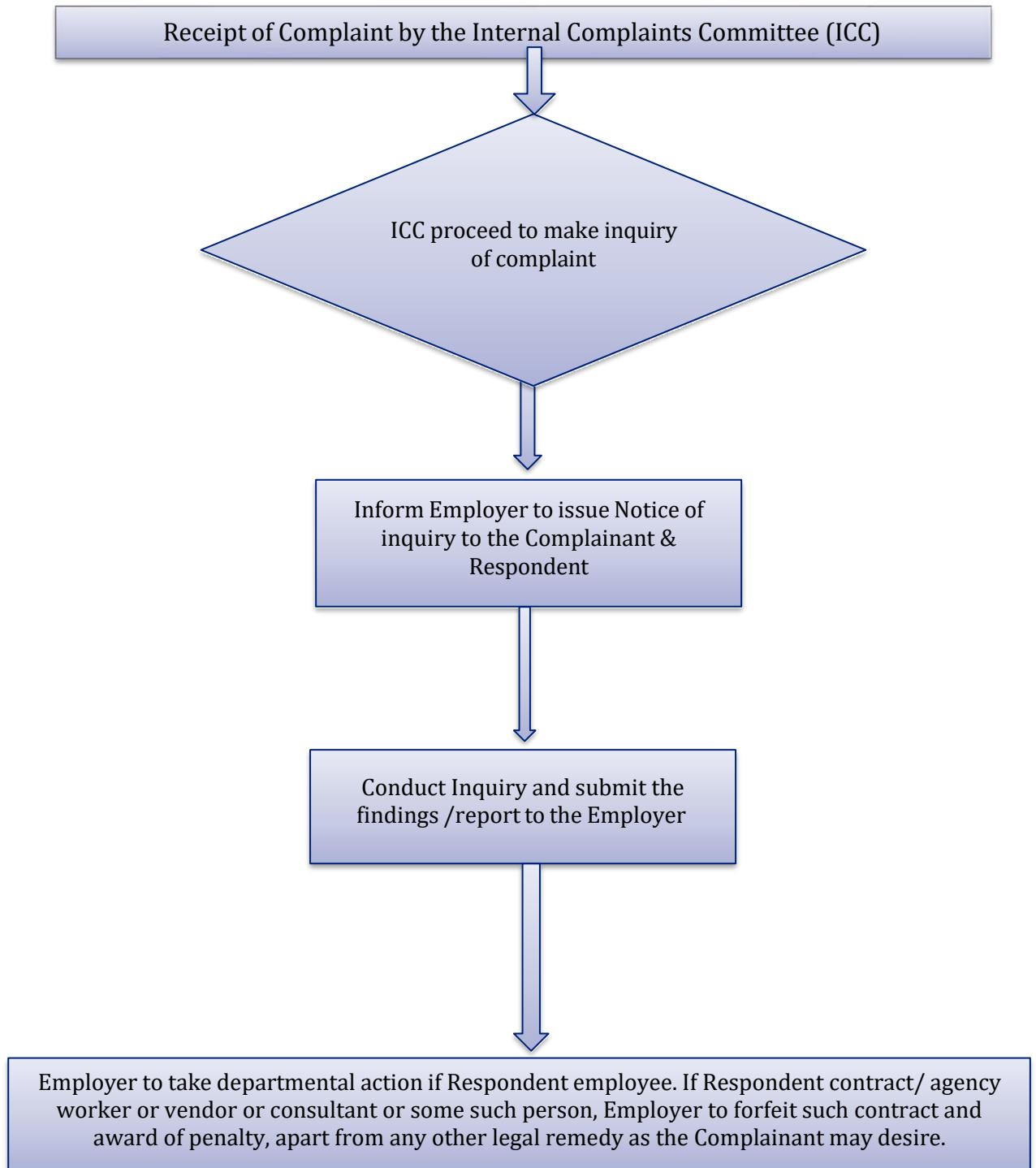
10. Guidelines for Disciplinary Action

- A. The ICC will give recommendations on nature of disciplinary action to be taken in case the Respondent is found guilty. The penalties listed below are indicative guidelines.
- B. Minor Punishment**
- a) Warning or censure in writing
 - b) Suspension up to 4 days
 - c) Withholding or stoppage of increments/promotion
 - d) Fine
 - e) Order to give a written apology to the Complainant
 - f) Sign a bond of good behaviour
 - g) Negative impact on performance appraisal
 - h) Withdrawal of residential/and or other facilities
 - i) Transfer
 - j) Debar from differentiated Reward & Recognition programs.
- C. Major Punishment**
- a) Debarring from supervisory duties
 - b) Reverting, demotion
 - c) Discharge from services
 - d) Dismissal with forfeiture of Gratuity, etc.
 - e) Compensation to the victim through deduction from the salary of the person found guilty.
- D. In addition to above, the ICC may also recommend providing gender sensitization counselling to the person found guilty.
- E. Penalty in Case of a Second Offence
- a) For a second or repeated offence, the ICC shall recommend an enhanced penalty and for taking stricter disciplinary action.

11. Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Employer shall take all reasonable steps to assist the affected Employee in terms of support and preventive action.

12. PROCESS FLOWCHART FOR REDRESSAL OF COMPLAINT



13. Annexure I - Internal Committee

Sr.No.	Name of the Committee Members	Committee Designation	Email ID
1	Ms. Shruti Jha	Presiding Officer	cfo@psballiance.com
2	Mr. Chandrashekhar Powar	Member	head.operations@psballiance.com
3	Ms. Priyanka Upadhyay	Member	dsb.product1@psballiance.com
4	Ms. Manisha Bangera	Member	cs@psballiance.com
5	Ms. Roli Gupta	External Member	roli191@gmail.com

14. ANNEXURE II - RECOMMENDED FORMAT OF THE REPORT

Si No	Item	Notings
1	Date of Receipt of complaint	
5	Name/ Contact details of Complainant/ victims (s)	
3	Date / Location of incident	
4	Brief description of complaint (can enclose the complaint document)	
5	Name/ Contact details of the alleged harasser (s)	
6	Investigation Committee Member (s)	
7	Date (s) of investigation - Enter beginning & close dates	
8	Documents referred / verified/ collected / enclosed	1. Statement from Complainant 2. Statement from Witnesses if any 3. Statement from Harasser (s) 4. Any other circumstantial evidence
9	Analysis/ Observations of Committee	
10	Conclusion	
11	Recommendation of Committee	

Place and date:

**Name / Designation and Signature of
Committee Members**