

Prevention of Sexual Harassment (PoSH) Policy



Objective and Philosophy

Infiloom India Pvt. Ltd. has Zero Tolerance for sexual harassment in the workplace. The company is committed to ensuring a workplace, free from sexual harassment and to provide a mechanism for redressal of complaints of sexual harassment of women at workplace without fear or threat of reprisals in any form or manner to all its women employees. Accordingly, the Company has framed the Policy for the Prevention of Sexual Harassment of Women at Workplace (the "POSH Policy").

The following **Core Principles** are the guiding principles to be followed by all stakeholders in the implementation of the POSH Policy:

- Confidentiality to the extent that is possible pursuant to the local law will be ensured, information related to POSH complaints and disciplinary process is shared only as permitted by law and only on a "need to know " basis.
- Objectivity to keep focus on evidence and to be unbiased in the handling of all aspects of an investigation.
- Neutrality to treat all the stake holders equally irrespective of age, gender, caste, language, race, region of origin, religion, level in the organization etc.
- Closure to provide speedy conclusion to the investigation of cases with appropriate sharing of information with all relevant parties.
- Empathy to be sensitive to the experiences of all the stakeholders and ability to understand what the person has gone through.
- Responsiveness to treat all cases as important and urgent and commit to resolve every grievance.
- Follow Principles of Natural Justice while investigating a grievance

Scope

This policy addresses the prevention and redressal of sexual harassment incidents at the Workplace and is applicable to all Employees associated with the Company's operations in India.

It is clarified that though the law governing this policy is gender specific and is designed for women stakeholders of Workplaces, this Policy, as adopted by this organization, is gender neutral in its approach and will accept sexual harassment at Workplace complaints from all genders.

This Policy will make specific references to guidelines which are only applicable to women Employees and Complainants, as and where required, keeping in mind the provisions of the POSH Act and POSH Rules. Those specific guidelines will not be applicable to other Complainants, who are not women, since they do not fall under the purview of the POSH Act.

Definitions

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 within 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 behaviour (whether directly or by implication), but not limited to:

1. Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:
 - a) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - b) Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
 - c) Teasing, voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one’s will
 - d) Demand or request for sexual favours
 - e) Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body
 - f) Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
 - g) Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
 - h) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes
 - i) Giving gifts or leaving objects that are sexually suggestive
 - j) Eve teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy; Persistent watching, following, contacting of a person; and
 - k) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

2. The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:
 - a) Implied or explicit promise of preferential treatment in employment;
 - b) Implied or explicit threat of detrimental treatment in employment;
 - c) Implied or explicit threat about the present or future employment status;
 - d) Interference with the person’s work or creating an intimidating or offensive or hostile work environment; or
 - e) Humiliating treatment likely to affect health or safety

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. 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.

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.

Complainant: Any aggrieved woman who makes a complaint alleging sexual harassment under this policy or

1. where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –
 - a) her relative or friend; or
 - b) her co-worker; or
 - c) an officer of the National Commission for Women or State Women’s Commission; or
 - d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
2. where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
 - a) her relative of friend; or
 - b) a special educator; or
 - c) a qualified psychiatrist or psychologist; or
 - d) the guardian or authority under whose care she is receiving treatment or care; or
 - e) any person who has knowledge of the incident jointly with her relative or friend or a special
 - f) educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
3. where 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;
4. where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy

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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.

Workplace:

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established.
- 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.

Employer: A person responsible for management, supervision and control of the workplace.

Internal Complaints Committee (ICC): Internal Complaints Committee refers to the internal redressal committee established within the Company to receive and inquire complaints pertaining to sexual harassment at Workplace incidents and provide its final recommendations to the Employer, i.e. management of the Company for implementation.

Actions Defined And Identified As Sexual Harassment At Workplace

Sexual harassment: “Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:

1. Deliberate physical contact and advances
2. Unnecessary or unwanted bodily contact such as groping or massaging.
3. Demand or request for sexual favours;
4. Unwelcome sexual attention or invitations
5. Use of abusive language or any other foul language which shows disrespect towards women.
6. Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body; 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.;
7. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
8. Giving gifts or leaving objects that are sexually suggestive;
9. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
10. Persistent watching, following, contacting of a person; and any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
11. Non-verbal behaviour such as staring, leering, or gestures;
12. Sexual Innuendos or veiled threats;
13. Displaying or sharing offensive images such as posters, videos, photos, cartoons, screensavers, emails, or drawings that are derogatory or sexual;

The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:

1. Implied or explicit promise of preferential treatment in employment;
2. Implied or explicit threat of detrimental treatment in employment;
3. Implied or explicit threat about the present or future employment status.

Sexual harassment, which is harassment specifically based on sex, can take two forms:

1. Hostile Work Environment: Conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment; and
2. Quid Pro Quo Harassment: Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment, or when submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting that Employee.

Important Pointers

1. The list and details given above are not exhaustive. While it is not possible to list all those additional circumstances that may constitute sexual harassment, there could be some instances of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness.
2. It is the reasonable perception of the aggrieved individual that would be relevant in determining:
 - a) Whether the conduct was sexual in nature, and, if so, whether such conduct was unwelcome or not; and/or
 - b) That their objection to such conduct would disadvantage them in connection with their employment including [hiring, dismissal, performance appraisal, promotion/demotion, assignments, monetary appraisal] evaluation, grading, recruitment or promotion; or
 - c) If the conduct in question creates a hostile working environment.
3. 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 coworkers, it may also occur between an Employee and someone that Employee deals within the course of his/her work who is not employed by the Company. Sexual harassment can happen regardless of the individuals' gender, gender identity, or gender expression and can, for example, occur between same-sex individuals as well as between oppositesex individuals, and does not require that the harassing conduct be motivated by sexual desire.
4. All the above is prohibited through any mode of communication including in person, over the phone, on voice mail, through pen and paper, on e-mail, through chat, through SMS or any other form of communication.
5. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers instead to unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a woman at whom the behaviour or conduct was directed.

Internal Complaints Committee

The Company has constituted Internal Complaints Committee ("ICC") at all its offices having 10 or more than 10 employees. As per the POSH Act, the ICC shall comprise of:

- a) A Presiding Officer ("Presiding Officer"), who shall be a woman Employee at a senior level in the Company; not less than two Members ("Members") from amongst Employees preferably committed to or who have had experience in social work or have legal knowledge; one member ("External member") from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment;
- b) At least one half (50%) of the total members so nominated shall be women.

The Company has extended the availability of the ICC to receive complaints of all Employees, irrespective of their gender.

The ICC as the redressal committee is responsible for:

- a) Receiving complaints of sexual harassment at the Workplace;
- b) Initiating and conducting inquiry as per the established procedure under law;
- c) Submitting findings and final recommendations on complaints of sexual harassment at Workplace which will be implemented by the Company;
- d) Maintaining strict confidentiality throughout the process as per established guidelines; and
- e) Ensuring absolute transparency in its activities, disclosing necessary information to the respective stakeholders when required and investigating the complaints while abiding by the principles of natural justice.

Procedure & Guidelines

Filing a complaint

- a) Any Aggrieved Individual who has experienced or has been subjected to any act of sexual harassment by an Employee shall be entitled to lodge a complaint with the ICC. The complaint must be submitted in writing within a period of three (3) months from the date of incident and in case of a series of incidents, within a period of three (3) months from the date of last incident. This may be extended for a further period of three (3) months, if circumstances warrant such extension in the opinion of the ICC
- b) The ICC can initiate inquiry on the complaint only if the complaint is in writing. In case a complaint may be conveyed verbally to any member of the ICC, the member of the ICC to whom the complaint is made or any other member of the ICC shall render all reasonable assistance to the Aggrieved Person for making the complaint in writing.
- c) Anonymous complaints cannot be accepted by ICC at any point in time.
- d) The complaint must contain a description of the event(s) as well as the names and contact email/phone number of Witnesses if any. Supporting documents, if available, such as letters, transcription of text messages etc., supporting the complaint of sexual harassment at Workplace against the Respondent should accompany the complaint.
- e) In the event that a Complainant is unable to lodge a complaint because of any physical or mental incapacity or death or otherwise, his/her legal heir, co-worker or any person with knowledge of the incident may make a complaint to the ICC.

Processing a complaint

- a) On receipt of a complaint, the ICC will acknowledge the receipt of the email/written letter by the Complainant within 7 working days. The further process of inquiry to be followed will be explained to the Complainant in their first meeting with the ICC.
- b) Information about the Complainant's identity: It is important for the Complainant to understand that even though the process is confidential, the Respondent will be informed of the Complainant and any Witnesses and persons directly involved in the complaint process will also learn of the Complainant's identity.
- c) If the ICC determines that the complaint received is of sexual harassment at Workplace and falls within the jurisdiction of the ICC, then it will proceed with the inquiry.
- d) If the complaint does not fall within the definition of sexual harassment or within the ICC's jurisdiction, the complaint will be referred by the ICC to the relevant Human Resources Head for appropriate action under the relevant and applicable Company's policy.
- e) If the ICC decides to proceed with the inquiry, the ICC will send a copy of the written complaint to the respondent who is required to file its reply to the complaint with all supporting documents and list of Witnesses (if any) within ten (10) working days of receiving the copy of the complaint.

- f) The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.

The policy will be reviewed from time to time and revised to keep it up to date with changes in state acts and employment policies. 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 amendment or rescinding will be formally communicated to all the Employees.