

**SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION,
PROHIBITION AND REDRESSAL) ACT, 2013**

INDEX

SR. NO.	PARTICULARS
1	OBJECTIVE/PURPOSE
2	SCOPE
3	DEFINITIONS
4	GRIEVANCE REDRESSAL MACHINERY
5	GUIDELINES FOR MEMBERS OF GRIEVANCE REDRESSAL MACHINERY
6	MECHANISM TO STRENGTHEN THE IMPLEMENTATION POLICY



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Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Policy Main Section: Company Values & Guiding Principles

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE PHILOSOPHY:

As an organization, we respect the dignity of all Female employees irrespective of their hierarchy and we expect responsible conduct and behavior on the part of all our employees at all levels. Providing for a safe and congenial work environment to all female employees is an integral part of the company's employment policy.

1. OBJECTIVE / PURPOSE:

This policy has been framed with a view to:

- a) Promote a workplace based on equality & respect.
- b) Provide a safe and congenial work environment.
- c) Awareness & sensitization about sexual harassment at the workplace.
- d) Prevent sexual harassment.
- e) Provide formal mechanism for redressal in case of complaint of sexual harassment at the workplace.
- f) Define the implications and outcome of sexual harassment.
- g) Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.

2. SCOPE:

- 2.1 This policy shall be applicable to all employees of **Spero Properties and Services Private Limited** including any associate engaged on fixed term contract, short term engagement, temporary, apprentice, trainees, contract persons and visitors on our premises. It shall also include any unwelcome behavior of a sexual nature mentioned in the policy by any Vendor/Supplier/Contractor including their agents, supervisors, managers and their employees to any of our employees on our premises.
- 2.2 Whereas under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act") and the Rules enacted thereunder, protection is been provided to all women employees,
- 2.3 It is to be noted that since protection under law is for women (including transwomen), the process of handling a complaint of sexual harassment will take place in the following manner:
 - a) Where the Aggrieved Person is a woman, the complaint shall be handled by the Internal Committee constituted under the Act, procedure shall be as prescribed under law and this policy and execution of order/ action/recommendation in such complaints shall be carried out under Act and this policy.
 - b) Where the aggrieved Person is not a woman (male, non-binary etc), the complaint shall be handled by the "Code of Conduct committee, procedure shall be as prescribed under the "Code of Conduct" policy and the execution of order/action/ recommendation in such complaints shall be carried out under code of conduct of **Spero Properties and Services Private Limited**.



- 2.4 The sexual harassment complaints committee shall comprise of the same persons as in the Internal Committee, and any reconstitution of the Internal Committee, shall result in the same in the sexual harassment complaints committee. The powers of the sexual harassment complaints committee, and the protocol followed by it shall remain the same as that of the Internal Committee. Any reference to Internal Committee in this policy document, shall mean and include a reference to the sexual harassment complaints committee, as per applicable law and as the context may require.
- 2.5 The sexual harassment complaints committee will act, function and will hold status as any other disciplinary committee that the organisation is authorised to constitute as per the employment laws of the State. Although of similar composition, it will hold different status than the Internal Committee, which is quasi-judicial as per the law.

3. DEFINITIONS:

- 3.1 **Sexual Harassment:** Sexual harassment includes such unwelcome sexually determined behavior (whether direct or by implication) such as:
- a. Physical contact and sexual advances;
 - b. Demand or request for sexual favors;
 - c. Sexually - colored remarks;
 - d. Showing pornography; and
 - e. Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

“Unwelcome sexually determined behavior” includes but is not limited to, subjecting another person to an unwelcome act of physical intimacy including:

- a) Grabbing, brushing, touching, including sexual flirtations, advances, or propositions. Making any unwelcome remark with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks etc. Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups Calendars / screen-savers on computers / any offensive written or electronic material / including pornographic.
- b) Engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal, staring to make the other person uncomfortable, making offensive gestures, etc.
- c) Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.
- d) Making an unwelcome demand or request whether directly or by implication for sexual favours and/or making it a condition of employment / payment of wages / increments /promotion/ preferential treatment / threat to detrimental treatment in employment / threat to current or future employment status or similar act.
- e) Where an employee (sometimes in a senior position) requests, demands or expects sexual favours from another person (sometimes in a junior position) in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non- co-operation.
- f) Where an employee intrudes into the private life of another person, or persistently asks them out.
- g) Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one’s sex life, comments on an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess in an attempt to humiliate or make another person uncomfortable.
- h) Behavior which creates an environment that is intimidating, hostile, offensive, humiliating for any employee.



3.2 Workplace:

Any place where working relationship and/or employer-employee relationship between the company and the person exists. This includes our premises (including transit houses & guest houses) and any place visited by the employee arising out of or during the course of employment including transportation provided by the Employer, an official social event, company offsite, conference, client visit and work from home.

3.3 Aggrieved Woman:

In relation to workplace, a female employee of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

3.4 Respondent:

Respondent means a person against whom the aggrieved women has made a complaint.

3.5 Employer:

Employer means any person who is responsible for the management, supervision and control of the workplace. The Employer further means the head of any department, organization, establishment, undertaking, enterprise, institution, office, branch or unit. It may also include persons discharging contractual obligations with respect to his / her employees.

3.6 Internal Committee (IC):

The "Internal Committee" shall consist of minimum 4 members. Fifty percent of the Committee members shall be women, from which one senior woman employee shall be the Presiding Officer. Furthermore, not less than 2 members should be from amongst the employees. Another one of the Committee members shall be a woman from a reputed NGO / legal body / any other social work body familiar with the issues of sexual harassment. The tenure of the committee shall be 3 (maximum 3 years) years and names of the committee members shall be announced by the Employer by a written order / resolution. The details of the members of the IC are detailed under **Annexure – I**.

4. GRIEVANCE REDRESSAL MACHINERY:

Given that this policy highlights a preventive focus, there is a formal redressal process to address the complaints raised by female employees.

4.1 PROCEDURE FOR FORMAL GRIEVANCE REDRESSAL:

In the event of the complaint registered by the aggrieved woman it will be escalated to the IC for redressal.

- a) The aggrieved woman should make, in writing, a complaint of sexual harassment at the workplace to the IC, within a period of **90 Days** from the date of incident and in case of a series of incidents, within a period of **90 days** from the date of the last incident. The complaint can also be routed through the representatives at respective locations. The IC will render reasonable assistance to the aggrieved woman for making the complaints in writing. If the aggrieved woman is unable to make the complaint, her legal heir or such other person can do so. This time limit may further be extended for another **90 days** if the IC is satisfied that there were circumstances that prevented the person from filing a complaint within the specified timeline.
- b) The complainant / accused will be informed by the member/s of IC about the receipt of complaint. The complainant to meet the IC in person and provide statement in writing.



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- c) The IC, before initiating the inquiry at the request of the aggrieved woman, will take steps to settle the matter between the aggrieved woman and the Respondent through **conciliation**. Wherever such settlement has been arrived, the IC shall record it and send the same to the Employer to take action as per recommendation. Once such settlement has been arrived at no further enquiry shall be conducted by the IC, however, the aggrieved woman can further refer the same to IC for redressal if the terms of settlement have not been complied.
- d) The IC while investigating the complaint referred to it, will call upon both the parties separately, listen, look at proof (if any), verify documents produced by the parties, allow the parties to produce witnesses and to put forth their say. Both the parties during the course of enquiry are given an opportunity of being heard.
- e) At the end of the investigation, the Secretary of the IC shall prepare a report of findings on the complaint and submit it to the Chairperson of the IC. The findings of the report should be made available to the Respondent and aggrieved woman within 10 working days from the date of completion of enquiry.
- f) The Chairperson of the IC shall ensure that the complaint is attended to within 10 working days after receiving it and that the investigations are completed within 30 working days.
- g) During the pendency of an inquiry, on a written request made by the aggrieved woman, the IC may recommend to the HR:
- Transfer the aggrieved woman accused to any other location of work.
 - Grant leave to the aggrieved woman up to the period of 3 months (over and above the entitled leave).
 - Grant such other relief to the aggrieved woman as may be prescribed.
- h) The Presiding Officer after studying the report & discussion with the IC members shall submit their recommendation to the Employer within 3 weeks of completing the inquiry.
- i) The implementation of the recommendation of IC by the Employer should be done within 60 days of receipt of such recommendation.
- j) Pursuant to a finding of Sexual Harassment by the IC against any person accused of the same, the IC may initiate any one or more of the following actions:
- Actions in accordance with misconduct mentioned in service rules / appointment letter
 - Issue a warning in writing
 - Issue a suspension
 - Deprived of increment or promotion
 - To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the accused person such sum as it may consider appropriate to be paid to the Aggrieved woman
 - Order dismissal depending upon the severity & sensitivity of the incident
 - Financial Penalty (In accordance with the mental, physical trauma, loss of career opportunity, medical expenses) in lump sum or in instalments.
 - IC shall take appropriate action in accordance with applicable laws and by lodging a complaint with the respective authorities (if required). IC should also ensure strong support to the aggrieved woman during the process of legal proceedings.



- k) In case the IC on conclusion of the enquiry finds that the allegation was malicious or has made the complaints knowing it to be false, or has produced any forged / misleading document, it will recommend action to be taken by the Employer against the person who has made the complaint. In all such cases the malicious intent on the part of the person must be established by a separate disciplinary inquiry before any action is recommended.
- l) The IC will protect the identity of all individuals involved during the process, including the aggrieved Person and respondent and contents of complaints and inquiry proceedings. Those involved in inquiry need to sign a non-Disclosure agreement to ensure case confidentiality.
- m) Any person aggrieved from the recommendations of the IC or non- implementations of such recommendations may appeal to the court or tribunal.

5. GUIDELINES FOR MEMBERS OF INTERNAL COMMITTEE:

- a) Believe in the reality of the complaint lodged.
- b) Empathize with the complainant. Do not function like a criminal court.
- c) Remember that it may be difficult for a woman employee to talk about anything 'sexual'. Hence there can be a long-time interval between the harassment and the actual complaint.
- d) Handle complaints in a confidential manner and within 90 working days.
- e) Submit annual report on sexual harassment cases, if any and actions taken to address the same, to the district office of the labour department.
- f) Maintain all the data related to sexual harassment cases in the company.
- g) Provide safety for the complainant and his / her witness, if such a need be felt and that the committee can recommend action against persons indulging in retaliation against or intimidation of the complainant or witness to a complaint.
- h) Discard pre-determined notions of how an accused should look or behave or dress. Be aware of stereotypes.
- i) Do not insist on detailed description of harassment. This could increase the complainant's trauma.
- j) Most sexual crimes are committed in private; hence there may not be any eyewitnesses.
- k) Since this is a human rights issue, balance of probabilities is a sufficient measure of proof.
- l) Help the complainant regain her self-respect.
- m) Make 'discreet' enquiries as to whether other employees have experienced similar problems.
- n) Document results of any sexual harassment complaint or investigation. Not only the results, but also document any corrective action that the employee or supervisor was asked to take.
- o) Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.
- p) The inability to substantiate a complaint or provide adequate proof need not attract action against the aggrieved woman.

6. MECHANISMS TO STRENGTHEN IMPLEMENTATION OF POLICY:

- a) Communication of policy and making it available on website/email for employees to refer.
- b) Display the constitution of the IC.
- c) Making it a part of the Corporate Induction.
- d) Inclusion of the number of cases reported and resolution in the Annual Report.
- e) Appropriate Government can call upon companies / inspect records related to Policy on sexual harassment and its implementation.



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ANNEXURE – I

Details of the members of IC are given here below:

Name	Contact No.
Bosky Arora (Chairperson)	99205 46398
Shirin Shaikh (Secretary)	99207 82980
Sarat Kurup (Member)	98209 58118
Raghvendra Bisen (Member)	98337 70635
Counsel Quest: <ul style="list-style-type: none">Jyoti Grover (External Member)	-

Female employees can email their concerns to posh@nucleusofficeparks.com



ANNEXURE – II

Grievance Redressal Process Flow Chart:

