

## Policy for Prevention of and Protection From Sexual Harassment

### [NIMSTECH INDUSTRIES LIMITED]

#### **Objectives**

- Create a non-discriminatory environment with gender equality which includes protection from sexual harassment and right to work with dignity as per our constitution.
- To prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required.

#### **Scope and Applicability:**

- Covers all employees viz. – Permanent, Temporary, Full time, Part time, contractual or outsourced
- Third party – individual or member of any group / organization associated with group includes volunteers, students, visitors, community members, NGO's, and any other Organizations.

#### **Definition:**

For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

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

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension and such conduct can be humiliating and may constitute a health and safety problem.

This sexual harassment is defined by its impact on the recipient and not the intent of the harasser.

#### **Types of Sexual Harassment**

**Quid Pro Quo** – This refers to the demands for sexual favors made by the harasser to the recipient of favorable work conditions, increase in salary, higher positions in the organizations, etc.

**Hostile Environment** – This refers to the creation of unfriendly atmosphere for the recipient of sexual harassment by the harasser (e.g., jokes, lewd postures, leering, inappropriate touching, rape, etc.) due to refusal of granting sexual favors, thus making the organizational environment uncomfortable and hostile in nature.

### **Preventive Steps:**

All employees or persons in charge of work place should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- a. Express prohibition of sexual harassments as defined above at the work place.
- b. Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

### **Internal Complaints Committee (ICC)**

- A committee consisting of 5 members be constituted
- A presiding officer may preferably be an outsider, well conversant with Labour Laws.
- At least 3 committee members should be women.
- All categories of employees / workers should get representation

### **Functioning of ICC**

- To enquire on the written complaint and give report for action against harasser
- To Spread awareness & arrange training sessions
- To ensure all the complaints are addressed in time frame of resolution of claims
- To give proper counseling & support to the victim and ensure that the victim is not further traumatized or victimized.
- The victims of sexual harassment should have the option to seek transfer of the harasser or their own transfer.

### **Procedure for Redressal**

Let the harasser know that his / her conduct is unwanted and un-welcome

If the behavior persists then a written complaint is required to be given to –

- Any member of the ICC committee or
- Immediate superior or
- Immediate reviewer or
- Manager – Human Resource or
- Confidential e-mail ID of an unnamed senior executive

ICC Committee to follow principal of Natural justice during course of redressal

Also for malicious / false accusation, strict disciplinary action to be taken

### **Disciplinary Action**

- After receiving a complaint of the incident or behavior in writing, investigation will be initiated to gather information about the incident and the same shall be completed within 45 calendar days on the receipt of the complaint.

- The standard for evaluating complaints shall be a preponderance of the evidence. At the completion of the investigation, a recommendation will be made to the appropriate management regarding the resolution of the matter. The recommendation is advisory only.
- After the recommendation has been made, a determination will be made by appropriate management regarding the resolution of the matter. If warranted, disciplinary action up to and including involuntary termination or expulsion will be taken.
- After the appropriate management has made a determination regarding the resolution of the matter, and depending on the circumstances, both parties may be informed concurrently of the resolution.
- Complaints of sexual harassment will be taken seriously and will be dealt with promptly, thoroughly, impartially, and equitably. Where such act is found to have occurred, the committee will act to stop the sexual harassment, to prevent its recurrence, to remedy its effects, if any, and to discipline those responsible.
- ICC Committee can recommend – Apology, verbal/written warning, transfer, termination, dismissal or any other action as it may deem fit.

### **Internal Complaints Committee Members (ICC)**

Presiding Officer – \_\_\_\_\_

#### **Committee Members:**

<b>Name</b>	<b>Place</b>

Confidential email ID - \_\_\_\_\_  
(email ID would be with \_\_\_\_\_, who once in 7 days will report any complaint or matter to the committee members)

Committee members to discuss and review every quarter in a year.

The current ICC committee will be for 2 years.