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Prevention of Sexual Harassment Policy (POSH)



Nature of Document	
Confidential	
Public	
Internal	✓



Revision History - Version/Change History

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1 Policy Statement

- 1.1 InfoBeans is an equal opportunity company and is committed to creating a healthy working environment by ensuring fairness that enables Team Members to work without fear of prejudice, gender bias, and sexual harassment, hence capturing the essence of ownership and openness as core values. All the Team Members of the Company, have the right to be treated with dignity. Sexual harassment involving Team Members is a grave offence and is, therefore, punishable.
- 1.2 The Supreme Court has directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. This policy has been framed in accordance with the provisions of “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and its subsequent amendments, and the provisions of the Act shall prevail.

2 Objectives

- 2.1 To uphold Right to Protection against Sexual Harassment and the Right to Livelihood.
- 2.2 To evolve an effective mechanism for the prevention, prohibition, and redressal of sexual harassment of Team Members at the workplace or in the course of official duties with the organization.
- 2.3 To promote an environment that will raise awareness about and deter acts of sexual harassment of Team Members of the organization.
- 2.4 To ensure implementation of the Policy by taking all necessary and reasonable steps including but not limited to the constitution of appropriate committees for purposes of gender sensitization and to conduct inquiries into complaints of sexual harassment.
- 2.5 To uphold the commitment of the organization to provide an environment that is free from discrimination and violence.
- 2.6 To generate general awareness against sexual harassment at the workplace.

3 Scope and Applicability

- 3.1 InfoBeans aims to adopt a zero-tolerance approach against any kind of sexual harassment. This Policy extends to all the ‘Team Members’ of the Company including permanent, contract, part-time and trainee, and is deemed to be incorporated in the service conditions of all Team Members and comes into effect immediately.
- 3.2 Sexual harassment would mean and include any of the following: (Refer [Annexure - I](#) for scenarios pertaining to sexual harassment at the workplace)

- 3.2.1 Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any organization activity;
- 3.2.2 Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance;
- 3.2.3 Teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- 3.2.4 To a person belonging to the act or conduct by a person in authority which creates the environment at workplace hostile or intimidating the other gender;
- 3.2.5 Conduct of such an act at the workplace in relation to any Team Member of InfoBeans, during the course of employment; and
- 3.2.6 Any unwelcome gesture/comments by an employee having sexual overtones.

4 Definitions

- 4.1 "Team Member" means any person on the rolls of the organization including those on deputation, contract, temporary, part-time or working as consultants.
- 4.2 Sexual Harassment - Harassment of a female/male employee consisting of any unwelcome sexually determined behavior, whether directly, indirectly, by any female/male in charge of the management or a female/male co-worker either individually or in association with other persons to exploit the sexuality of co-worker to harass her/him in manner which prevents or impairs her/his full utilization of full benefits, facilities or opportunities or any other behavior which is generally considered to be derogatory .
- 4.3 Aggrieved person: In relation to a workplace, a Team Member, of any age, who alleges to have been subjected to any act of sexual harassment by the respondent.
- 4.4 Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved member.
- 4.5 Employer: A person responsible for management, supervision, and control of the workplace.

5 Responsibilities

- 5.1 Responsibilities of Team Members: It is the responsibility of all to respect the rights of others and never encourage harassment. It can be done by:
- 5.1.1 Refusing to participate in any activity which constitutes harassment.
 - 5.1.2 Supporting the person to reject unwelcome behaviour.
 - 5.1.3 Acting as a witness if the person being harassed decides to lodge a complaint. All the Team Members are encouraged to advise others of behaviour that is unwelcome. Often, some acts of behavior are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.
- 5.2 Responsibilities of Managers: All managers must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all Team Members understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not brought to spot or troubled in any way.

6 POSH Committee: Internal Committee (IC)

A committee has been constituted to consider and redress complaints of sexual harassment. The names of the committee members are given in [Annexure-II](#).

Committee Chairman

Senior HR Manager

Presiding Officer

Ethics Officer

Ethics Officer

Process Owner and Coordinator

NGO Member

A quorum of three members is required to be present for the proceedings to take place. The quorum shall include the Chairman/Senior HR Manager/Presiding Officer and at least two members. The committee shall have 50% female members.

7 Redressal and Enquiry Process

- 7.1 Any Team Member who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident in writing to posh@infobeans.com or any member of the internal committee mentioned herein immediately, but no later than three months of the occurrence of the incident. The form in which the complaint is required to be made is given as [Annexure I](#) of this policy. If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately. If the respondent is Lead/Manager of the complainant, or person influencing the career growth of the complainant, the reporting structure will be changed until the time the inquiry is completed.
- 7.2 The committee will maintain the record of the complaints received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- 7.3 Committee coordinator will schedule the meeting within two working days of the receipt of the complaint, but no later than a week in any case with the complainant, presiding officer, and committee members.
- 7.4 At the first meeting, the committee members shall hear the complainant and record her/his allegations. The complainant can also submit any corroborative material with documentary proof, oral or written material, etc., to substantiate her/ his complaint. If the complainant does not wish to present personally due to the embarrassment of narration of the event, a lady officer for a female Team Member involved and a male officer for male Team Member, involved shall meet and record the statement.
- 7.5 The committee shall prepare and hand over the Statement of Allegation to the respondent and give her/him an opportunity to submit a written explanation if she/he so desires within one day of receipt of the same. The Respondent can also ask for an extension if needed.
- 7.6 The complainant shall be provided with a copy of the written explanation submitted by the respondent.
- 7.7 If the complainant or respondent desires any witness/es to be called, they shall communicate in writing the committee the names of witness/es whom they propose to call.
- 7.8 Thereafter, the respondent may be called to give an explanation before the committee, and an opportunity will be given to her/ him to give an explanation. If the respondent desires to tender any documents in evidence before the committee, she/he shall supply original copies of such documents. The respondent shall affix her/his signature on the respective documents to certify these to be original copies.
- 7.9 The committee shall call upon all witnesses mentioned by both the parties.

- 7.10 The committee shall provide every reasonable opportunity to the complainant and to the respondent, for putting forward and defending their respective cases.
- 7.11 The committee shall complete the “Enquiry” within a reasonable period but not beyond three months and communicate its findings and recommendations for action to the HR - Head. The report of the committee shall be treated as an inquiry report based on which the respondent can be awarded appropriate punishment straightaway.
- 7.12 The HR Head will direct appropriate action in accordance with the recommendation proposed by the committee as per the Committee Chairman’s approval.
- 7.13 The committee shall be governed by such rules as may be framed by the Supreme Court orders or any other applicable legislation available.

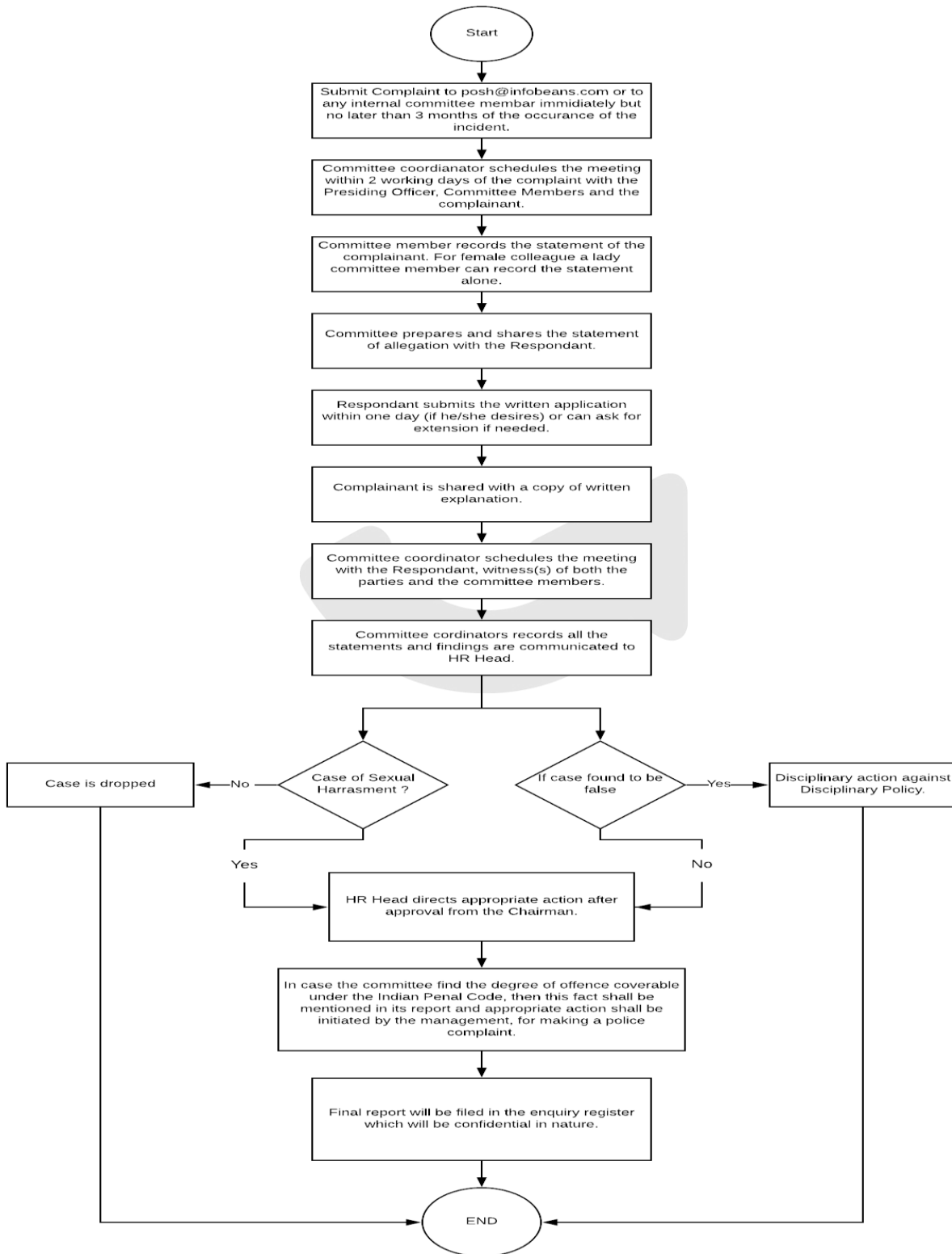
8 Final Action

- 8.1 If a Team Member is found guilty it will lead to her/his immediate termination.
- 8.2 In the event, the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, the same would be dropped after recording the reasons or passed to the person in charge.
- 8.3 In case the complaint is found to be false, the complainant shall, if deemed fit, be liable for appropriate disciplinary action by the management.

9 Other Points to be Considered

- 9.1 The management shall provide all necessary assistance for ensuring full, effective and speedy implementation of this policy.
- 9.2 Complete confidentiality to be maintained throughout the process and thereafter.
- 9.3 Where sexual harassment occurs as a result of an act or omission by any third party or outsider, InfoBeans shall take all steps necessary to assist the affected person regarding support and preventive action.
- 9.4 The committee shall analyze and put up a report on all complaints of this nature at the end of the year for submission to HR - Head.
- 9.5 If any committee member is found guilty the same process will be followed, and the alleged committee member will be replaced by any other senior member/founder of InfoBeans.
- 9.6 In case the committee finds the degree of an offence serious and is coverable under the Indian Penal Code, then this fact shall be mentioned in its report, and appropriate action shall be initiated by the Management, for making a Police complaint.

Flowchart



Annexure I - Scenarios Pertaining to Sexual Harassment at Workplace

Scenario 1

Rishab works as a senior executive who asks his subordinate Ritu to stay late night couple of times to work on project deadlines. Both the members are friendly, but one evening Rishab tries to get physically close to Ritu. Ritu turns away and explains that she is uncomfortable and believe such behaviour inappropriate. The next day Rishab tells Ritu about a job opening for another department and explains it would be a good move for her.

Scenario 2

Smita and Roshan are colleagues and share a friendly relationship. Roshan has a very active social life. One morning after coming to office he visits Smita's cubicle and shares about his sexual encounter from the weekend. Smita expresses her discomfort and tells Roshan not to share his personal life. Roshan takes it casually and repeats the same next week.

Scenario 3

Amar flirts shamelessly with Paridhi, a co-worker in the neighbouring cubicle, by making jokes with a sexual theme, whistling when she walks through the cubicle and sending her suggestive emails. Paridhi rebuffed him many times, telling him she doesn't appreciate the emails or jokes and making it clear that she is married, and doesn't like the sexual advances.

Scenario 4

Shila is struggling to improve her performance to get a better rating. Her superior Sudhir invites her to his cabin for additional help and starts sharing his personal life. While sharing so, he makes sexual advances assuring her he intends to give her good rating.

Scenario 5

Kamini is a brilliant young team leader working in a reputed IT company. She is dedicated, hardworking, perfectionist and known to be forthright. Kamini stays back at work late one evening with her colleague Ravi to complete work for an important presentation. Ravi offers to buy Kamini dinner and later drop her home since it's been a long day. After dinner, Ravi proposes to Kamini that he would like her to spend the night with him. Kamini refuses politely but firmly and goes home. Next evening, Ravi repeats his request and on Kamini's refusal, threatens her that if she doesn't give in, he will tell everyone that she made a pass at him.

Scenario 6

Renuka finds her male colleague Vishal constantly leering at her when no one is around. He often walks around her workstation and intentionally tries to touch her and then apologize for doing so. This makes her very uncomfortable. On one occasion, while she was working at her desk, he pinched her bottom. When she protested that she would complain to the management, he threatened to destroy her career.

Scenario 7

Rincy has been working in an XYZ Company for over five years and is friendly to everyone. Her superior and peers respect her for her dedication, commitment, and openness. During the lunch break, she talks to everyone, and people admire her interpersonal relationship skills. One day she was sharing lunch with his colleague Manas who had recently joined her department. During lunch, Manas never once made an eye, but instead, stares at her breasts. At the end of the lunch, he tells her that she is beautiful and should wear low-cut tops.

Annexure - II POSH Committee: Internal Committee (IC)

Internal Complaints Committee (IC) as on April 1, 2018

Mr Avinash Sethi (Committee Chairman)

Mrs Kanupriya Manchanda (HR Head)

Mrs Neha Bhopatkar (Presiding Officer)

Mr Amit Makhija (Ethics Officer)

Mr Arpit Jain (Ethics Officer)

Mrs Nidhi Patel (Process Owner and Coordinator)

NGO Member

Annexure - III Sexual Harassment Complaint Form

Team Member's Name			
Department		Title	
Age		Sex	

Date of Incident		Time of Incident	
Person(s) you allege committed the sexual harassment:			
Name		Position/Title	

Please describe the incident in detail, including your reaction to incident:

Additional Notes:	

Person(s) who witnessed the incident, if any:	

I understand that this matter will need to be investigated, but that all the information will be kept confidential to the extent that it is possible.

Date

Team Member's Signature

Date

Manager's Signature

Annexure-IV Frequently Asked Questions (FAQs)

Q1. Which cases fall under the scope of sexual harassment?

- Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any organization activity;
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance;
- Teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- To a person belonging to the act or conduct by a person in authority which creates the environment at workplace hostile or intimidating other sex;
- Conduct of such an act at the workplace in relation to any Team Member of InfoBeans, during the course of employment; and
- Any unwelcome gesture/comments by an employee having sexual overtones.

Q2. Does Sexual Harassment have to involve Physical contact?

A) No, harassment does not have to involve any physical contact; words alone may be enough. Conduct that is sexual in nature but does not include any sexual activity is still sexual harassment.

Q3. What should I do if I feel sexually harassed?

A) Any Team Member who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident in writing to posh@infobeans.com or to any member of the internal committee. The complaint to be registered in sexual harassment complaint form <http://bit.ly/sexualharassmentcomplaintform>.

Q4. Who are the members of the Internal Committee (IC)?

A) The members of the Internal Committee are:

Mr Avinash Sethi (Committee Chairman)

Mrs Kanupriya Manchanda (HR Head)

Mrs Neha Bhopatkar (Presiding Officer)

Mr Amit Makhija (Ethics Officer)

Mr Arpit Jain (Ethics Officer)

Mrs Nidhi Patel (Process Owner and Coordinator)

Q5. Who can approach the IC?

- A) The right to approach the IC lies with:
- Victim
 - Victim's Family
 - A witness of the incident

Q6. How much time do I have to file a Sexual Harassment Complaint?

A) You must register a sexual harassment complaint immediately, but no later than 3 months of the occurrence of the incident.

Q7. If I witness inappropriate conduct or someone tells me about it, what should I do?

A) Anyone who witnesses any inappropriate conduct or comment, irrespective of whom it is directed at, the same should be reported to the IC. As a member of InfoBeans extended family, you are under an obligation to seek advice and/or help if you witness conduct that may violate the organization's policies on sexual harassment.

Q8. What can I expect if I report the harassment to the committee?

A) The IC will promptly investigate the complaint made by you. The committee coordinator will schedule the meeting within two working days of the receipt of the complaint, but no later than a week in any case with the complainant and the committee members. The members of the IC will need to know all the details of the harassment and shall provide every reasonable opportunity to the complainant and to the respondent, for putting forward and defending their respective cases.

Q9. Will my complaint be treated confidentially by the IC?

A) InfoBeans makes every reasonable effort to handle inquiries, complaints, and related proceedings in a manner that protects the privacy of all parties. The information is shared with only those individuals who need to know in order to enable them to investigate and resolve the matter, as discreetly as possible under the circumstances of the case.

Q10. What if I am retaliated against for complaining about Harassment or participation in an investigation?

A) The organization's policy on Prevention of Sexual Harassment expressly forbids retaliation against anyone initiating a complaint or assisting in the investigation of a complaint in good faith. Retaliation is a serious violation of the policy and will be strictly dealt with by the organization, independent of the merits of the allegation of sexual harassment. Anyone who is subject to any conduct that he/she believes to be retaliatory should immediately report it to a member of the IC.

Q11. Can the contents of the complaint and inquiry proceedings be made public?

A) The contents of the complaint, identity, and address of the aggrieved complainant, respondent and witness, information pertaining to inquiry proceedings, recommendations of the IC and the action taken by InfoBeans shall not be published, communicated or made known to the public, press or media.

Q12. Can the complainant or the respondent have a support person with her/him during the investigation process?

A) During the course of the investigation process, if the complainant or respondent desires any witness/es to be called, they shall communicate in writing the committee the names of witness/es whom they propose to call. The committee shall call upon all witnesses mentioned by both the parties. The parties shall however not be allowed to get any legal practitioner to represent them in their case in any stage of the proceedings.

Please Note:

- Team Members can approach the respective HRBPs for any queries related to policies, procedures, and processes.
- For any operational issues/assistance, please raise a ticket to <http://helpdesk.creatingwow.in/>