XELPMOC DESIGN AND TECH LIMITED

POLICY AGAINST SEXUAL HARASSMENT

Policy Against Sexual Harassment

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INTRODUCTION & SCOPE

Sexual harassment is destructive of such environment and will not be tolerated by the Company and, therefore, the Company has procedures governing sexual harassment complaints which are provided for in this Policy Against Sexual Harassment ("**Policy**"). It also aims to maintain a positive climate at workplace in which individuals can work in an atmosphere free from coercion and intimidation. All allegations of sexual harassment will be taken seriously by the Company. The Company will not disclose the identity of the complainant, the victim, witnesses, and the alleged harasser. The Company will make all efforts to keep this confidential.

1. EMPLOYER

Xelpmoc Design and Tech Limited or its Board of Directors or Management Committee of the Board, henceforth will be referred to as Employer.

2. SEXUAL HARASSMENT DEFINED

Sexual harassment at workplace has been defined as including "unwelcome" acts or behavior (whether directly or by implication) as:

- Physical contact and advances;
- Demand or request for sexual favours;
- Making sexually coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

The following circumstances, among other circumstances, if occur or are present in relation to or connected with any act or behaviour of sexual harassment as defined above may also amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about present or future employment status;
- Interference with work or creating an intimidating or offensive or hostile work environment;
- Humiliating treatment likely to affect health or safety.
- Implied or explicit behavior which offends individual sensibilities and affect the work performance.

3. COMPLAINTS COMMITTEE

- Complaints shall be dealt with by the Internal Complaints Committee ("**ICC**")
- Please refer **ANNEXURE 1** for the members of ICC.

4. COMPLAINT MECHANISM

For sexual harassment complaints by female members

- The female member may inform any ICC member and give a complaint in writing in the prescribed Complaint Form or by email on **posh.policy@xelpmoc.in** (Please refer **Annexure 2** for Complaint Form).
- The female member shall submit the complaint along with supporting documents and names and addresses of the witnesses.
- Where the complaint has not been made in writing then the presiding officer or any member of the ICC will render all reasonable assistance to the female member to make the complaint in writing.
- A complaint can be made within 3 (three) months of the date of incident of sexual harassment
- The ICC, for reasons to be recorded in writing, may extend the time for making a complaint to a further period of 3 (three) months.
- Where the female member is unable to make a complaint on account of her physical or mental incapacity or death or for any other reason her legal heir or such other person authorised under law may make a complaint.
- All complaints shall be forwarded to the Employer.
- A copy of the complaint shall be forwarded to the respondent within seven working days from the receipt of the complaint by the ICC.
- The respondent shall file her reply to the complaint within a period not exceeding ten working days from the date of receipt of the documents.

For sexual harassment complaints by male members

- The male member may inform any ICC member and give a complaint in writing in the prescribed Complaint Form or by email on **posh.policy@xelpmoc.in** (Please refer **Annexure 2** for Complaint Form).
- The male member shall submit the complaint along with supporting documents and names and addresses of the witnesses.

- Where the complaint has not been made in writing then the presiding officer or any member of the ICC will render all reasonable assistance to the male member to make the complaint in writing.

- A complaint can be made within 3 (three) months of the date of incident of sexual harassment

- The ICC, for reasons to be recorded in writing, may extend the time for making a complaint to a further period of 3 (three) months.

- Where the male member is unable to make a complaint on account of his physical or mental incapacity or death or for any other reason his legal heir or such other person authorised under law may make a complaint.

- All complaints shall be forwarded to the Employer.

- A copy of the complaint shall be forwarded to the respondent within seven working days from the receipt of the complaint by the ICC.

- The respondent shall file his reply to the complaint within a period not exceeding ten working days from the date of receipt of the documents

5. PRELIMINARY INQUIRY, CONCILIATION AND SETTLEMENT

For sexual harassment complaints by female members:

- Within 2 (two) working days of receiving the complaint, the ICC shall meet to examine the complaint made by the female member

- On the request of the complainant in writing, the ICC may take steps to settle the matter between the complainant and the respondent by conciliation. No monetary settlement shall be made as a basis of conciliation.

- Where a settlement has been arrived at between the complainant and the respondent the ICC shall record the settlement and forward a copy of the settlement along with its recommendation to the Employer. The Employer shall implement such recommendation of the ICC and send a report of implementation to the ICC within 15 (fifteen) days.

- A copy of the settlement shall also be provided to the complainant and the respondent

For sexual harassment complaints by male members:

- Within 2 (Two) working days of receiving the complaint, the ICC may meet examine the complaint made by the male member.

- On the request of the complainant, the ICC may take steps to settle the matter between the complainant and the respondent by conciliation. No monetary settlement shall be made as a basis of conciliation.

- Where a settlement has been arrived at the ICC shall record the settlement between the complainant and the respondent and forward a copy of the settlement along with its recommendation to the Employer.

- A copy of the settlement shall also be provided to the complainant and the respondent.

6. PROCESS OF INQUIRY

For sexual harassment complaints by female members

- In case no settlement is arrived at between the parties or the terms of settlement have not been complied with by the Respondent, the ICC shall proceed with the inquiry.

- The ICC shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 to:

  - Summon and enforce the attendance of any person and examining him / her on oath

  - Require discovery and production of documents

- The ICC shall give an opportunity to complainant and respondent of being heard and make representations before the ICC

- In case the complainant or respondent fails to present themselves before the ICC for three consecutive hearings, then the ICC may after giving an advance notice of fifteen days pass an exparte order or terminate the inquiry proceedings

- The Complainant or respondent is not permitted to appear through a legal practitioner before the ICC

- The ICC shall complete the inquiry within 90 (ninety) days and shall submit a report of its findings to the Employer within 10 (ten) days thereafter. The report of findings shall also be shared with the complainant and the respondent.

For sexual harassment complaints by male members

- In case no settlement is arrived at, the ICC may summon and enforce the attendance of any person and examining him / her and require discovery and production of documents.

- The ICC shall give an opportunity to complainant and respondent of being heard and make representations before the ICC

- The ICC shall prepare its report and submit it to the Employer within 90 (ninety) days.

7. INTERIM RELIEFS

For sexual harassment complaints by female members

- During the pendency of inquiry and on a request in writing made by the female member / complainant, the ICC may make any of the following recommendations to the Employer.
    - Transfer the complainant or the respondent to another location
    - Grant leave to the complainant up to a period of 3 (three) months. The leave so granted will be in addition to the leave the complainant would otherwise be entitled to
    - Grant any other relief to the complainant specified in the Rules made under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- The Employer shall implement such recommendation of the ICC and send a report of implementation to the ICC within 7 (seven) days

For sexual harassment complaints by male members

- During the pendency of the inquiry and on a request in writing made by the complainant, the ICC may make its recommendations regarding the interim reliefs to be granted to the complainant to the Employer.
- The Employer shall take the final decision on these recommendations and will implement them accordingly. The decision of the Employer shall be conveyed to the ICC, the complainant and the Respondent.

8. FINDINGS OF THE COMMITTEE AND ACTION REQUIRED

For sexual harassment complaints by female members

- Where the ICC arrives at a conclusion that the allegations against the respondent have not been proved it shall recommend to the Employer that no action is required to be taken against the respondent
- In case the ICC comes to a finding that the allegation was false or malicious or the complainant has produced forged documents as evidence it shall conduct an inquiry against the complainant / witness and may recommend to the Employer the action to be taken against the complainant / witness. The Employer shall implement the decision of the ICC and will send a report of the implementation to the ICC
- In case the ICC comes to a finding that the allegation against the respondent has been proved, it shall recommend to the Employer
- To take action for sexual harassment as misconduct as it deems appropriate. Appropriate action against the respondent for such misconduct would include

reprimand, written apology and / or termination of services without notice. The respondent will not be entitled to any compensation for the notice period

- To deduct from the salary / wages of the respondent such compensation as determined by it to be paid to the female member / complainant or her legal heir or direct the respondent to pay the amount. The compensation shall be determined by the ICC keeping in mind the following:
  - Mental trauma, pain, suffering and emotional distress caused to the female member
  - Loss to career opportunity due to the incident of sexual harassment
  - Medical expenses incurred by the female member for physical or psychiatric treatment
  - Income and financial status of the respondent
  - Feasibility of such payment in lump sum or in installments
- The Employer shall act upon the recommendations made by the ICC within 60 (sixty) days of receipt
- In case the Employer is unable to make such deduction from the respondent's salary / wages due to his being absent from duty or cessation of employment it may direct the respondent to pay such compensation to the female member
- In case the respondent fails to make the payment as directed by the Employer then the ICC may forward the order for recovery of sum as an arrear of land revenue to the concerned district officer

For sexual harassment complaints by male members:

- Where the ICC arrives at a conclusion that the allegations against the respondent have not been proved it shall recommend to the Employer that no action is required to be taken against the respondent
- In case the ICC comes to a finding that the allegation was false or malicious or the complainant has produced forged documents as evidence it shall conduct an inquiry against the complainant / witness and may recommend to the Employer the action to be taken against the complainant / witness. The Employer shall take a final decision on the recommendation made by the ICC and implement it within 15 (fifteen) working days
- In case the ICC comes to a finding that the allegation against the respondent has been proved, it shall send its recommendation to the Employer. Appropriate action against the Respondent for such misconduct would include reprimand, written apology and / or termination of services without notice. The respondent will not be entitled to any compensation for the notice period. The Employer shall take a final decision on the recommendation and implement it within 30 (thirty) days of receipt of the recommendation from ICC.

9. APPEAL

For sexual harassment complaints by female members:

Any person aggrieved by the decision of the ICC or the non implementation of the ICC's recommendations by the Employer may prefer an appeal within 90 (ninety) days of such decision as prescribed in the Rules under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

For sexual harassment complaints by male members:

The decision of the ICC and the Employer shall be final and binding and not appealable.

10. CONFIDENTIALITY

- All parties concerned shall maintain strict confidentiality in respect of all aspects of the complains including but not limited to the contents of a complaint, the identity and addresses of the complainant, respondent and witnesses, recommendations of the committee and the action taken by the Employer. Such action shall not be published or made known or disseminated in any form either privately or in any public media.
- Any breach of the confidentiality provision by any person shall be liable to penalty.

11. COMMUNICATION STRATEGY

Policy Affirmation - All members are required to abide by this policy.

Training regarding Policy against Sexual Harassment

- A detailed training regarding the Policy against sexual harassment shall be designed and all members including the members of the Internal Complaints Committee will be required to undergo such training.
- The training program will contain:
  - Understanding the definition of sexual harassment
  - Gender sensitisation
  - Do's and don'ts - General Guidelines in terms of use of language and code of conduct
  - Examples and case studies
  - Discussion on appropriate behaviour
  - Complaint Mechanism
  - Internal Complaints Committee

12. DUTIES

- The Employer shall provide necessary facilities to the ICC for dealing with complaints and conducting an inquiry.
- The Employer shall assist in securing the attendance of the respondent and the witnesses before the ICC.
- Provide assistance to the female member in cases of sexual harassment if she chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- The Employer shall monitor the timely submission of annual reports by ICC to the Employer and the District Officer.

ANNEXURE 1

INTERNAL COMPLAINTS COMMITTEE (ICC) - Hyderabad

Name	Gender	Role
Mrs. Vaishali Shetty	Female	Presiding Officer
Ms. Radhika Guvvala	Female	Member
Mr. Naveen Laskari	Male	Member
Dr. Tamanna Begam	Female	External Member

ANNEXURE 2
COMPLAINT FORM

1. Details of Aggrieved Individual :

Name:	
Designation:	
Division & department:	
Contact Numbers (Landline & Mobile):	
Office Address:	

2. Details of Complainant (in case the Complainant is not the Aggrieved Individual) :

Name:	
Relationship with Aggrieved Individual:	
Contact Numbers (Landline & Mobile):	
Address:	

3. Details of individual alleged to have engaged in sexual harassment :

Name:	
Designation:	
Division & Department:	
Contact Numbers (Landline & Mobile):	
Office Address:	

4. Details of the Incident(s)

Location of the Incident	
Date of the Incident Occurred:	
Approximate Time :	
Description of specific Act Alleged:	
Effects of such harassment :	

5. Are there others who have witnessed this behavior or others who experienced similar behavior by the individual named above? If so, please provide their names , indicate if witness or individual with similar experience , their address and phone numbers :

Name of witness:	
Designation:	
Division & department:	
Contact Numbers (Landline & Mobile):	
Office Address :	

6. Did you take any action in an attempt to stop Harassment?

7. Have you filed this report with any other Agency :

☐ Yes ☐ No

If Yes, With Whom?

8. Do you have any suggestion for proposed action to address or resolve the harassment?

9. Do you have any additional information and comments?

Signature of the Complainant :

Date :