

# Prevention, Prohibition and Redressal of Sexual Harassment of Employee at Workplace

*(This policy follows all the mandated processes and procedure of - Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace 2013, and made it gender neutral to cover all the employees.)*

## **Purpose:**

Soul Vision Creations Pvt limited, (hereafter referred to as SVC) is committed to maintaining a work environment where each individual feels respected and safe. This includes work environment free of sexual harassment, gender bias, and fear of prejudice. Our organization is also committed towards promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The purpose of this policy is to educate employees on what constitutes Sexual Harassment and the company's approach to prevent occurrence of such incidents. SVC strictly believes in a "zero tolerance" approach towards any type of misconduct that can be deemed as Sexual Harassment. Sexual Harassment is expressly prohibited and if it happens it shall lead to serious disciplinary action up to and including termination of the respondent.

The Organization will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment. This Policy seeks to provide awareness to all employees of the Organization on what acts constitute sexual harassment, the redressal mechanism in place and the penal consequences (both interim and final) imposed on perpetrators of sexual harassment.

## **Scope:**

This Policy applies to all types of employees of SVC India, paid by the Company or third-party vendor. This Policy shall also apply to all vendors of the Company, including contractors doing business or providing services at the Company's premises.

This Policy applies to all categories of employees of the Organisation, including permanent employees, permanent management, workmen, temporary employees, trainees, consultants, advisers, ad hoc employees, daily wage earners, probationers, apprentices, employees on contract, etc., at its workplace or at visits to partner organisations. The Policy is applicable to all categories of employees as stated above, irrespective of whether such persons have been engaged directly or through an agency or a contractor, and whether such employees are working for remuneration or on a voluntary basis.

This shall extend to cover sexual harassment of an aggrieved person of any gender identity or sexual orientation by an employee of any gender identity or sexual orientation. Harassment is unlawful irrespective of who is involved in the behaviour.

## **Definitions:**

**Workplace** means and includes the offices of the Organisation as well as the premises of other third parties, vendors and associates of the Organisation where the Employees of the Organisation are required to perform work or that are visited by the Employees of the Organisation arising out of or during the course of employment and includes transportation provided by the Organisation for undertaking any journey, in connection with the business of the Organisation.

**Complainant** means, in relation to a Workplace (as hereinafter defined), an aggrieved person, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent (as hereinafter defined);

**Sexual Harassment** includes any one or more of the following unwelcome acts or behaviour whether directly or by implication namely:

a. Physical contact and advances:

1. A demand or request for sexual favours
2. making sexually coloured remarks
3. showing pornography or
4. any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b. Unwelcome physical, verbal or non-verbal conduct of sexual nature includes stalking, lewd stares, and eve teasing.

c. The following circumstances are also construed to be an act of Sexual Harassment:

- Implied or explicit promise of preferential treatment in their employment
- Implied or explicit threat of detrimental treatment in their employment
- Implied or explicit threat about their present or future employment status
- Interference with their work or creating an intimidating, offensive or hostile work environment for them
- Humiliating treatment likely to affect their health or safety.

**Act** refers to the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 as enacted or modified from time to time.

**Rules** refers to the rules prescribed under the Act as enacted or modified from time to time.

**Internal Committee** (hereinafter referred to as the "IC") refers to the Internal Complaints Committee constituted to deal with complaints of Sexual Harassment. The IC is the sole inquiring authority into all complaints of sexual harassment at the workplace and a recommendatory body for disciplinary actions thereof based on the findings of the inquiries.

**Presiding Officer** refers to the presiding officer of the Internal Committee

**Member/s** refers to members of the Internal Committee.

**Respondent** refers to the person against whom the aggrieved employee has made a complaint of Sexual Harassment.

#### **Constituents of Sexual Harassment**

- Conduct must be unwelcome, unwanted, uninvited, unreasonable, and/or offensive to the Complainant which adversely affects the dignity of the Complainant.
- Physical contact is not an essential factor for sexual harassment.
- A person's rejection of or submission to such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job.
- Conduct that creates an intimidating, hostile or humiliating working environment for the Complainant.
- The act of Sexual Harassment must be related to employment or work. Hence, acts committed outside the office, for example in the cafeteria, on business travel in a flight or hotel, place of visit for official purpose such as client premises, offices, official events, etc. are covered. Additionally, acts that are committed during Work From Home arrangements that are authorised and/ or mandated by the Organisation would fall within the ambit of sexual harassment at the workplace. "Work From Home" here refers to a situation wherein Employees are working from a remote location which is not the Organisation's physical

premises, client/ vendor premises, or any other location within the ambit of definition “Workplace” in this policy. Actions which take place in personal capacity will not be considered workplace concerns unless there is connection with the workplace by way of creation of a hostile work environment for the aggrieved person.

- The Respondent can be whomsoever, provided the Organisation has sufficient control over the said person and, without limitation, can be the victim’s boss, supervisor, sub-ordinate, trainer, colleague, mentor, co-worker, vendor, contractor or agent of the Employer.

### **Exclusion**

It is to be noted that this Policy does not apply when the Complainant is performing work outside of Workplace, of their own accord and for personal reasons, and without the authorisation of the Organisation.

### **Policy Guidelines:**

#### **Internal Committee – Constitution:**

SVC India has an Internal Complaints Committee (“**Internal Committee**”) to deal with complaints relating to Sexual Harassment. The role of the Internal Committee is to conduct investigation on Sexual Harassment complaints, document the findings and recommend an appropriate action commensurate with the facts and circumstances of each complaint up to and including termination. The composition of Internal Committee and any changes therein shall be communicated separately in writing.

#### **Internal Committee - Term and Vacancy:**

Unless a vacancy in the Internal Committee is caused by resignation, death or disqualification or removal of the member, the Presiding Officer and each member of the Internal Committee shall hold office for a period of three years.

#### **Complaint Procedure:**

- Any aggrieved employee can submit a written complaint in strict confidence to the Internal Committee within three months from the incident date.
- In cases where the complaint cannot be made in writing, the Internal Committee shall render reasonable assistance to the employee to make the complaint in writing.
- In case there are series of incidents, the three months’ timeframe shall be reckoned from the last incident date. The Internal Committee may, with written reason, extend the time up to a maximum of additional three months, if it is satisfied that the circumstances prevented the employee to file the complaint within the initial three-month period.
- Where the aggrieved employee is unable to make a complaint on account of their physical incapacity, the complaint may be filed by a relative, friend, co-worker, an officer of National Commission for Women or State Women’s Commission or any person who has knowledge of the incident, with the written consent of the aggrieved employee.
- Where the aggrieved employee is unable to make a complaint on account of their mental incapacity, a complaint may be filed by a relative, friend, special educator, qualified psychiatrist or psychologist, qualified or authority under whose care the aggrieved employee is receiving treatment or care, any person who has knowledge of the incident jointly with the aggrieved employee’s relative or friend or special educator, qualified psychiatrist or psychologist, or guardians of authority under whose treatment the aggrieved employees is receiving treatment or care.
- Where aggrieved employee due to any reason is unable to make a complaint, complaint may be filed by a person who has knowledge of the incident, with the employee’s written consent.
- Where the aggrieved employee is dead, complaint can be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

- At the time of filing the complaint, the complainant must submit to the Internal Committee, six copies of complaint along with supporting documents with the names and addresses of the witnesses.
- On receipt of the complaint, the Internal Committee shall send one of the copies received from the aggrieved employee to the respondent within a period of seven working days.
- The respondent shall file their reply to the complaint along with the list of documents, names and addresses of the witnesses within a period not exceeding ten (10) working days from the date of receipt of the documents.

**Conciliation:**

At the request of the aggrieved employee and prior to initiating an inquiry, the Internal Committee may take steps to settle the matter between the complainant and the Respondent through conciliation. Monetary settlement shall not be made as a basis of conciliation.

While any conciliation proceeding shall ordinarily be conducted in face-to-face meetings, Clause 14.9 more fully describes other modes of conducting the same.

**Inquiry:**

**A. Conciliation:**

Where the settlement has been arrived through conciliation, the Internal Committee shall record such settlement and furnish the same to the Management. A copy of the settlement shall be provided to the employee and the Respondent. No inquiry shall be initiated by the Internal Committee in such case.

**B. Action during pendency of Investigation:**

The Internal Committee may, during the pendency of an inquiry, recommend to the employer, on a written request made by the employee to: (a) transfer the aggrieved employee or the respondent to any other workplace; (b) grant leave to the aggrieved employee up to a period of three months; (c) restrain the respondent from reporting on work performance of the aggrieved employee or writing their confidential report and assign another reporting manager

**C. Breach of Conciliation terms by the Respondent:**

The Internal Committee shall proceed to make an inquiry into the complaint upon intimation by the employee that the terms of the conciliation have not been complied by the Respondent.

**Inquiry Procedure:**

1. For the purpose of making an inquiry, the IC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:
  - a. summoning and enforcing the attendance of any person and examining them on oath;
  - b. requiring the discovery and production of documents; and
  - c. any other matter as may be prescribed.
2. The Internal Committee shall inquire into the complaint. The quorum for hearing a complaint shall at least be one-third of the then-current strength of the Internal Committee. This shall not be a pre-requisite for a meeting adjourned for want of quorum provided at least two members of the Internal Committee are present. The Presiding Officer shall have a casting vote in case of deadlock. This provision shall cease to be of effect upon publication of the Rules on this point by the Central Government.
3. The inquiry shall be completed within a period of 90 days from the receipt date of the complaint.

4. The employee and the Respondent shall be given an opportunity of being heard. In case complaint is against a Member of the Internal Committee, such Member shall abstain from being part of the Internal Committee.
5. The Internal Committee shall document all inquiry proceedings, findings and their recommendation to the employer.
6. The Internal Committee shall submit a report of its findings to the Management within ten days of completion of the inquiry. Such report shall also be simultaneously made available to the employee and the Respondent to enable them to make representation against the findings before the Internal Committee.
7. Where the Internal Committee concludes that the allegation against the Respondent has not been proved, it shall recommend to Management that no action is required to be taken in respect of that complaint. Where the Internal Committee concludes that the allegation against the Respondent has been proved, it shall recommend Management to initiate disciplinary action up to termination of employment and /or deduct the salary of the Respondent for the purpose of determining the sums to be paid to the aggrieved employee due to:
  - the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
  - the loss in the career opportunity due to the incident of sexual harassment
  - medical expenses incurred by the victim for physical or psychiatric treatment
  - income and financial status of the respondent
8. In case the Management is unable to deduct the money recommended by the Internal Committee, it may direct the Respondent to pay such sum to the aggrieved employee and in case of Respondent's failure to do so, forward the order of recovery of the sum as arrears of land revenue to the jurisdictional district officer.
9. While the inquiry/ conciliation proceedings shall ordinarily be conducted face-to-face with the parties and witnesses physically appearing for meetings at the office premises or any other location specified by the IC, in certain circumstances, the IC may allow the parties or witnesses to appear before it through videoconference or telephonic means. In such situations, the following guidelines shall also be observed:
  - a. Videoconference or telephonic proceedings shall be conducted only with the consent of the parties and witnesses involved.
  - b. The parties or witnesses who are required to depose before the IC shall be given adequate notice of 24 hours to ensure that they have enough time to set up the infrastructure required for taking a video-conference call.
  - c. The IC members/ parties/ witnesses to any inquiry or conciliation will be bound by the same standards of confidentiality as in the case of face-to-face proceedings. Audio or video recording of proceedings shall not be permitted. The IC member/ party/ witness appearing through virtual means must ensure that they are alone in the room when taking the call and that no part of information relating to the proceedings is made known to any unauthorised individual.
  - d. Parties/ witnesses will be sent a copy of the minutes of meetings or other relevant documentation (such as inquiry/ findings reports, evidence etc.) via email.
  - e. Any and all communication (including but not limited to consent, confirmations, questions, comments, responses, statements) shall be made through email and/ or digital signatures.
  - f. In the event that videoconference or telephonic proceedings are not feasible, the IC may postpone the same until physical meetings can be conducted.

Where the Internal Committee concludes that the allegation against the Respondent is malicious or the aggrieved employee or any other person making the Complaint (i) has made the complaint

knowing it to be false or has produced any forged or misleading document, it may recommend to Management to take disciplinary action up to termination against the employee or any other person making the Complaint.

Where the Internal Committee concludes that any witness has given false evidence or produced forged or misleading document, it may recommend Management to take disciplinary action up to termination against the witness.

#### **Inquiry Report**

The IC shall provide Report of the findings to the Employer and both the parties within a period of ten days from the date of completion of inquiry. The Employer shall act upon the recommendation within sixty days of the receipt of the findings report.

If the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken. If the IC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to, as the case may be:

- a. take action for Sexual Harassment as a misconduct in accordance with the provisions of this policy; and/ or
- b. deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to their legal heirs, as it may determine, in accordance with the provisions of Section 15 of the Act. In the event the Employer is unable to deduct the same or in the event of non-payment of the above mentioned sum by the Respondent, the same shall be recovered in a manner as prescribed under Section 13 of the Act.

#### **Duties of Management:**

Management shall act upon the recommendations of the Internal Committee within sixty (60) days of its receipt. Where Sexual Harassment results from an act or omission of a third party or outsider, Internal Committee will take all necessary and reasonable steps in assisting the victim in terms of support and preventing recurrence of such action.

#### **Roles and responsibilities of Employees:**

- Employees are encouraged to know the Sexual Harassment Policy and follow it in spirit
- Abstain from committing any act which is construed as Sexual Harassment at Workplace
- Promptly report incidents of Sexual Harassment without fear or favour to the Internal Committee
- When in doubt, seek clarification from dedicated HR Business Partners

#### **Roles and responsibilities of Heads of Department & Business Leaders:**

- Provide a safe working environment at the Workplace including safety from persons coming into contact at the Workplace
- Make available the information required by the Internal Committee in respect of the complaint
- Ensure that the employee and witnesses are not retaliated, victimized or discriminated against

#### **Roles and responsibilities of Human Resources:**

- Organize workshops and awareness programs at regular intervals for sensitizing the employees
- Organize orientation programs for the Members of the Internal Committee as prescribed under the Rules
- Sexual Harassment be notified as misconduct under the service rules (Appointment Letter or any sort of letter of engagement with the Company) and initiate action for such misconduct
- Work with the Security team in providing adequate security at the entry and exit of office premises

- Respond to employees' queries on the Policy on Prevention of Sexual Harassment at Workplace

**Confidentiality:**

The following shall not be published, communicated or made known to public, press, media and the employees at large:

- a) contents of the complaint
- b) identity and address of the aggrieved employee, respondent and witnesses
- c) conciliation proceedings
- d) inquiry proceedings
- e) recommendations of the Internal Committee
- f) actions taken by the Management

Information may be communicated regarding the justice secured to a victim of Sexual Harassment without disclosing the name, address, identity or any personally identifiable information of the aggrieved and witnesses. Violation of confidentiality provision may lead to disciplinary action up to termination.

**Reporting:**

The Internal Committee shall prepare and submit in each calendar year, an annual report in the prescribed format to the Employer and the jurisdictional District Officer.

**Conclusion:**

In conclusion, Soul Vision Creations Private Limited reiterates its commitment to providing its employees with a workplace free from sexual harassment, where every employee is treated with dignity and respect.

**Annexure 1**

**The Members of the Internal Committee (IC)**

SI No	Name	Gender	Designation	E-mail Id
1	Arushi Kalia	Female	Committee Member	arushi.kalia@avataar.ai
2	Surabhi Verma	Female	Presiding Officer	surabhiverma@avataar.me
3	Raman Agarwal	Male	Committee Member	ramnagarwal@avataar.me
4	Shweta Bhat	Female	External Member	shwetabhat@sashaindia.com

Complaint can be highlighted by individually reaching out to any of the above committee members or write to [posh@avataar.ai](mailto:posh@avataar.ai)