

Prevention of Sexual and Workplace Harassment Policy

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Prevention of Sexual and Workplace Harassment Policy

Fish Welfare Initiative India Foundation (FWIIF, the “Company”) is an equal employment opportunity workplace and is committed to creating a safe, healthy and inclusive working environment that enables employees to work without fear of prejudice or gender bias. FWIIF strives for a harassment-free workplace to all employees without regard to race, caste, religion, color, ancestry, marital status, gender, sex, sexuality, age, nationality, ethnic origin, disability or any other status.

Part I – PREVENTION OF SEXUAL HARASSMENT

Introduction

Part 1 deals with prevention of sexual harassment in the Workplace. It has been framed in accordance with the provisions of the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” (“POSH Act”). **FWIIF is committed to providing all its employees, irrespective of their gender and sexual orientation, protection from all forms of discrimination or harassment at the Workplace.** FWIIF has zero-tolerance to any act of sexual harassment, and any complaint of sexual harassment will be strictly dealt with in terms of this Policy.

1) Definitions

1. Company:

It refers to Fish Welfare Initiative India Foundation (FWIIF) which is a Section 8 company founded in 2021.

2. Complainant:

Any person who makes a complaint alleging sexual harassment under this policy. Complaints can be made in accordance with the template provided under Annexure B.

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3. Employee:

A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or called by any other such name. This includes all vendor employees, off-roll employees, trainees, interns, consultants, client employees, visitors and other individuals who provide services in the Workplace.

4. Employer:

The Managing Director of FWIIF is the Employer.

5. Internal Committee:

A committee formed by the Employer under Section 4 of the POSH Act to receive and conduct an inquiry into sexual harassment complaints filed by the Complainant.

6. Manager:

Manager is a reporting authority or anyone who is responsible for the outcome of work and has a reporting relationship with the Complainant in the Company.

7. Respondent:

Respondent means a person against whom the complaint pertaining to sexual harassment in the workplace has been made.

8. Special Educator:

A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

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9. Sexual harassment:

Part A – Explicit Sexual Harassment

Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

- i. physical contact and advances; or
- ii. a demand or request for sexual favors; or
- iii. making sexually coloured remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- vi. sending photos or videos of sexual nature through email / messaging / social media
- vii. sending disappearing messages where there is sexual content through email / messaging / social media
- viii. making vulgar jokes, remarks with innuendoes, comments upon one person's appearance/ clothing/ mannerisms
- ix. physical stalking
- x. voyeurism
- xi. passing sexually coloured remarks about their sexuality or gender identity
- xii. deliberately and continuously misgendering an individual who has preferred pronouns

Part B – Implicit Sexual Harassment

The following circumstances if they occur or are present in relation to any sexually determined act or behavior amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in employment;
- ii. Implied or explicit threat of detrimental treatment in employment;
- iii. implied or explicit threat about the present or future employment status;
- iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- v. Humiliating treatment likely to affect health, wellbeing or safety

Part C – Child Sexual Abuse

Any sexual conduct with a minor (a person below the age of 18) is a punishable offense under Indian Law. The Company will mandatorily report any such conduct to the law enforcement authorities, if it comes to know that any Employee has engaged in acts of

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sexual nature with a minor as per the Protection of Children from Sexual Offences Act. The Employer can also take disciplinary action against such an Employee in these cases.

10. Workplace:

Workplace includes the head office, branch office, or any other offices of the Company. It also includes any place visited by an Employee in connection with their work, during the course of and/or arising out of employment/ contract/ engagement with the Company, which includes transportation, canteen, offsites, field visits, visits to government and panchayat offices, lawyer's offices, colleges and educational institutions, client's office, vendor's office, events, or such other place where the Employee is connected (digitally or otherwise) to their colleagues, clients or vendors, whether from home or any other location etc. The Workplace extends to the virtual workplace as well including but not limited to video call, email, messages, and any conduct over Company devices and phone numbers will be under the purview of this Policy.

2) Internal Committee

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same is the responsibility of the Internal Committee (IC).

2.1 Constitution of the committee

The details of the committee are to be notified to all covered persons at the workplace. The committee comprises:

1. *Presiding Officer:* A woman employed at a senior level in the Company.
2. *Internal members:* 2 employees .
3. *External member:* At least one member committed to the cause of women or familiar with the issues relating to sexual harassment.

More than half of the total IC members must be women mandatorily.

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2.2 Functions of the IC

The committee will be responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries
4. Coordinating with the employer in implementing appropriate action
5. Maintaining strict confidentiality throughout the process as per established guidelines
6. Submitting annual reports in the prescribed format
7. Conducting sensitisation and training sessions for the employees on a regular basis

2.3 Filing a Complaint

1. The Complaint must be made in writing, within a period of 3 months from the date of incident/ last incident. The Internal Committee can extend the timeline if it is satisfied that there were genuine reasons that prevented the lodging of the complaint within the 3 month period.
2. Where such a complaint cannot be made in writing, the Internal Complaint Committee shall render all reasonable assistance to the person for making the complaint in writing.
3. If the Complainant is unable to make a complaint on account of their physical incapacity, a complaint may be filed by:
 - a) their relative or friend; or
 - b) their co-worker; or
 - c) any person who has knowledge of the incident, with the written consent of the Complainant
4. If the Complainant is unable to make a complaint on account of mental incapacity, a complaint may be filed by:
 - a) their relative or friend; or
 - b) a special educator; or
 - c) a qualified psychiatrist or psychologist; or
 - d) the guardian or authority under whose care they are receiving treatment or care; or

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- e) any person who has knowledge of the incident jointly with the Complainant's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care
- 5. If the Complainant is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
- 6. The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the IC electronically at *posh@fishwelfareinitiative.org*. The complaint can also be physically submitted to the Presiding Officer of the IC by post.

2.4 Resolution procedure through conciliation

Before commencement of the inquiry proceedings and at the request of the Complainant, the Internal Committee can take steps to settle the matter between the Complainant and the Respondent through conciliation.

No monetary settlement can be made as a basis of conciliation. In case a settlement is arrived at, the same will be recorded through a Conciliation Settlement Agreement, and the complaint will be closed.

The committee shall provide copies of the Conciliation Settlement Agreement to the complainant & respondent.

2.5 Resolution procedure through formal inquiry

The committee will initiate inquiry in the following cases:

- 1. No conciliation is requested by Complainant
- 2. Conciliation has not resulted in any settlement
- 3. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

2.6 Procedure when the Respondent is not an Employee

- 1. If the Respondent is not an employee of FWIIF and works in another organization with an Internal Committee, the Complainant has the option to file the complaint with the

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Respondent's Internal Committee or FWIF's Internal Committee. If the Complainant files the complaint with tFWIF's Internal Committee, the Internal Committee will issue notice to the Respondent in person and through the Respondent's organization. If the Respondent fails to appear, the Complainant can file the complaint with the Respondent's Internal Committee or with the police authorities.

2. If the Complainant files the complaint with the Respondent's Internal Committee, the IC will render all reasonable assistance to the Complainant by giving them the necessary leave or time away from work to file the complaint and attend the inquiry and committee proceedings.
3. If the Respondent is not an employee of FWIF and does not work in another organization, the Complainant has the option to file the complaint with the FWIF Internal Committee. FWIF Internal Committee will issue notice to the Respondent with the information that is available to the Complainant. If the Respondent fails to appear, the Complainant can file the complaint with the Local Committee or with the police authorities. FWIF IC will render all reasonable assistance to the Complainant by giving them the necessary leave or time away from work to file the complaint and attend the inquiry and committee proceedings or police enquiry.

2.7 Manner and Procedure of inquiry into complaint:

1. Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
2. The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
3. At the first meeting, the IC members shall hear the Complainant and record their allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate their complaint.
4. The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.

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5. Upon receipt of the complaint, the committee will send 1 copy of the complaint to the Respondent within 7 working days of receiving the complaint.
6. Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
7. Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
8. The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
9. If the Complainant or the Respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
10. The Committee shall call upon all witnesses mentioned by both the parties.
11. The Committee shall provide every reasonable opportunity to the Complainant and the Respondent to be heard in the inquiry proceedings.
12. If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies. In the event either party desires to tender electronic evidence, the IC is at liberty to send the same to a forensic audit to verify authenticity.
13. No legal practitioner can represent any party at any stage of the proceedings
14. In conducting the inquiry, the minimum quorum requirement is three committee members, including the Presiding Officer.

2.8 Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

1. Transfer the Respondent to any other workplace, floor, or branch

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2. Grant leave to the Complainant upto a period of 90 days, in addition to the leave they would be otherwise entitled.
3. Prevent the respondent from assessing complainant's work performance
4. Restraining the Respondent from entering the Workplace or any other place where the Complainant is employed
5. Grant such other relief as may be appropriate
6. Once the recommendations of interim relief are implemented, the same is informed to the committee.

2.9 Termination of Inquiry

Committee may terminate the inquiry or give an ex-parte decision, if the complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

2.10 Action to be taken after inquiry

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

2.11 Complaint unsubstantiated

When the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter and the complaint is closed. A copy of the report is sent to the Complainant and the Respondent.

2.12 Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

1. Counseling
2. Censure or reprimand
3. Written apology to be tendered by respondent

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4. Written warning that will form part of the Respondent's permanent work record
5. Withholding promotion and/or increments
6. Suspension
7. Termination
8. Transfer to another branch of the organization with a warning
9. Or any other action that the Internal Committee may deem fit and proper

The Employer is required to act upon the recommendations within 60 days. A copy of the report is sent to the Complainant and the Respondent.

2.13 False Complaint

1. Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the Complainant or any other person making the complaint has made the complaint knowing it to be false or the Complainant or any other person has produced any forged or misleading document, it may recommend to the employer to initiate proceedings against the concerned individual.
2. While deciding whether a complaint is false, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. It must be clearly established through a separate inquiry.

2.14 Confidentiality

1. The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of the inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to the public or any media. Any person contravening the confidentiality clauses is subject to disciplinary action as the Internal Committee deems appropriate to recommend.
2. In the event any stakeholder has posted about the complaint or the inquiry on social media, the Internal Committee will direct them to remove the post pending completion of the inquiry, failing which the Internal Committee can recommend disciplinary action against the person who has made the social media post.

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2.15 Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

2.16 Inquiry Proceedings when the Respondent is unknown or cannot be traced

1. If the Complainant faces sexual harassment from an unknown phone number/ messaging application/ social media handle/ email ID or a Respondent who cannot be named and files a complaint about the same, the IC will do its best to trace the identity of the Respondent with the information and technology at its disposal, but if the same cannot be traced, the IC will inform the Complainant about the same in writing. The IC will also give the Complainant the option to pursue a cyber- complaint or a complaint with the police authorities. Details about filing a cyber-complaint are given in Annexure C of this Policy for the convenience of the Complainant.
2. Should the Complainant want to file a cyber- complaint or a complaint with the police authorities, the IC will render all reasonable assistance to the Complainant by giving them the necessary leave or time away from work to lodge the complaint and attend the police enquiry and court hearings.

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Part II – PREVENTION OF WORKPLACE HARASSMENT

Introduction

The Anti-Harassment policy strictly prohibits all forms of bias, prejudice and discrimination, bullying, and other forms of workplace harassment. FWIIF expects professional behavior among employees at the workplace. We firmly believe that every individual within the organization has the right to work in an atmosphere that promotes equal employment opportunities. We strive to create an environment characterized by mutual trust and respect that enables employees to perform to their best potential in absence of intimidation, oppression, exploitation, discrimination or harassment of any kind.

FWIIF aims for everyone on our team to be treated with decency, respect, and kindness; and that no one is discriminated against based on morally irrelevant characteristics.

FWIIF strives to create and maintain a healthy, safe, and productive work environment and an equal opportunity workplace that enables employees to work without fear of prejudice, gender bias, sexual harassment, discrimination or harassment. FWIIF opposes all forms of unlawful and unfair discrimination including but not limited to those based on:

- color, race, caste
- nationality, ethnic origin
- age
- sex
- sexual orientation
- gender identity
- Disability and neurodiversity
- religion and belief including political beliefs
- pregnancy or responsibility for dependents
- marriage and civil partnership

FWIIF opposes all forms of unlawful and unfair discrimination. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination,

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layoff, recall, transfer, leaves of absence, compensation and training. FWIIF prohibits harassment of any individual on the basis of any characteristic listed above.

3) Prohibited Conduct under the Policy

3.1 Discrimination

Any form of discrimination towards an employee is strictly prohibited, including but not limited on the basis of race, color, caste, religion, ethnicity, national origin, sex (including pregnancy), age, disability, class, place of birth, HIV status, sexual orientation, gender identity, marital status, religious belief or lack of religious belief, life expectancy, or any other status protected by the laws or regulations in the locations where we operate.

3.2 Bullying / Workplace Violence

Acts or threats of violence, verbal, non-verbal or in writing will not be tolerated. Fighting, bullying, coercion, or the use of abusive or threatening words or actions directed to, about, or against any employee of the company is strictly prohibited.

3.3 Retaliation

Retaliation of any sort for filing a claim of harassment will not be tolerated. Adverse penalty may be imposed on an employee in response to:

- Filing or responding to a complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

4) Redressal

The Employer will be empowered to deal with all kinds of harassment, except complaint of sexual harassment which will exclusively be dealt with by the Internal Committee. The Employer will be responsible for:

1. Making the complaint and any accused individual(s) aware of the gravity of misconduct

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2. Arrangement of immediate investigation of alleged misconduct
3. Making recommendations for remediation to designated company officials
4. Exploring informal means of resolving potential harassment

5) Confidentiality

All complaints and investigations shall be treated confidentially. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

6) Escalations & Classification of Disciplinary Action

All Employees will be subject to disciplinary action, up to and including termination, for any act of harassment they commit. Although disciplinary action will be at the discretion of the Committee specific to each case after the investigation, it can generally be classified into 4 levels.

The levels are as follows:

Level 1: First time occurrences of inappropriate behavior. An act out of character. After formal investigation, if co-workers still feel comfortable working with the Respondent, the attempt will be to sensitize first and facilitate formal apology towards inflicted parties.

Level 2: Recurring socially inappropriate behavior. It can lead to suspension (Paid/Unpaid), mandatory course on Inclusivity, formal apology towards inflicted parties, written admonition, potential transfer to another team and even the potential of termination.

Level 3: Major infraction, including retaliation, or recurring socially inappropriate behavior after a written admonition. May lead to termination of employment.

Level 4: Serious cases, including any criminal offense. May lead to termination of employment and the perpetrator will be reported to the Police/Authorities.

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7) Duties and Responsibilities of the Employer

1. Display this Policy at any conspicuous place in the workplace such as the notice board or the canteen, and circulate widely through email and other modes of official communication.
2. Ensure a safe work environment for the Employees, and organize workshops and awareness programmes at regular intervals for sensitizing the Employees to the provisions of this Policy
3. Provide necessary facilities to the Internal Committee for dealing with a Sexual Harassment complaint and conducting an inquiry, make available such information to the Internal Committee as it may require having regard to determination of the complaint upon request from the Internal Committee, and assist in securing the attendance of the Respondent and witnesses before the Internal Committee
4. Ensure that there is no adverse consequence for the Complainant should the Complainant file a police complaint or a cyber-complaint against the Respondent.

8) Duties and Responsibilities of Employees

1. Behave respectfully to all colleagues, co-workers, interns, and individuals in the Workplace and refrain from commenting about their clothes, their appearance, and their relationship status.
2. Be aware of boundaries in relationships in professional and personal interactions with colleagues, including interactions during team meetings, get-togethers, off-site visits, virtual platforms, dating applications, and social media.
3. Do not delete messages or emails sent on any official correspondence, Google Chat/ Google Spaces/ Google Suite applications or other chats with colleagues and clients or other professional stakeholders, or other channels of communication, and instead send a clarificatory message if there is an error in the previous message.
4. Do not use disappearing messages to communicate with colleagues, co-workers, interns, individuals who avail the services of FWIIF in any messaging platform that may be used in furtherance of employment.

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ANNEXURE A - Members of FWIIF's Committee and their contact information

The email address of the Firm's Internal Committee is *posh@fishwelfareinitiative.org*.

The names and email addresses of the Internal Committee members are:

SN	Name	Name; Email address
1.	Presiding officer	Ms Rhiddhi Patel; rhiddhi@fishwelfareinitiative.org
2.	Employee	Mr Karthik Pulugurtha; karthik@fishwelfareinitiative.org
3.	Employee	Mr Subrata Deb; subrata@fishwelfareinitiative.org
4.	External Member	Ms Brinda Poojary, PhD; brindapoojary88@gmail.com
5.	External Member	Ms Shreya Padukone; shreya.padukone@gmail.com

ANNEXURE B - Filing the complaint

- (i) The complaint can be sent to the email ID of the Presiding officer and FWIIF's Internal Committee with the subject "Sexual Harassment Complaint"
- (ii) In the event the Complainant is not well versed with computers, the complaint can be sent along with relevant annexures through speed post to:

To
The Presiding Officer
Internal Complaints Committee
Fish Welfare India
108, Narayanapuram Colony, Poranki,
Vijayawada, Krishna,
Andhra Pradesh, 521137

- (iii) Draft of the complaint - The following is a guide to drafting a complaint. It is recommended that all details about the act of harassment, including evidence and

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witnesses are filed along with the complaint. This is not exhaustive. The Complainant can draft the complaint in any manner that is convenient for them.

- **Date of complaint**
- **Name of the Complainant**
- **Contact Details (phone number is compulsory, email ID and contact address if available)**
- **Contents of the Complaint including:**
 - Name of the Respondent
 - Contact Details of the Respondent (if the same is available)
 - Details of Sexual Harassment
 - Date on which the act or acts of sexual harassment occurred
 - Witnesses who can corroborate (if any)
 - Evidence (if any) – these can be attached to the email sent regarding the complaint or sent as annexures to the complaint by post

ANNEXURE C - Filing a cyber complaint

- (i) A Cyber-Complaint can be filed at <https://cybercrime.gov.in>
- (ii) This is the citizen's manual to file a cyber-complaint –
<https://cybercrime.gov.in/UploadMedia/MHA-CitizenManualReportOtherCyberCrime-v10.pdf>
- (iii) If the investigation is not satisfactory, this is a list of Grievance Officers whom the Complainant can reach out to regarding the status/ progress of the cyber complaint
https://cybercrime.gov.in/Webform/Crime_NodalGrievanceList.aspx