GUIDELINES FOR PREVENTION & REDRESSAL OF COMPLAINTS ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

1. Abstract

Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right.

We as an organization are strongly committed to nurturing a healthy environment free from any type of such violation and also move one step ahead by recognizing not only gender equality but also gender amity which promotes a healthy working atmosphere at workplace.

This policy is framed to provide protection against Sexual harassment of women at workplace & for the Prevention and Redressal of complaints of sexual harassment & for matter connected there forth or Incidental thereto. The policy is governed by and in accordance of the provisions of Sexual Harassment of Women at Work Place (Prevention, Protection, and Redressal) Act 2013 and Rule made thereunder.

2. Objective

Sexual harassment of a woman at working place is matter of great concern for management. It is not only a social evil but at times, a grave criminal offence. It is essential to give due recognition to concept of gender equality and to increase the awareness of gender justice and at the same time to increase the effort to guard against any kind of sexual harassment to a woman employee.

The Objective of the policy keeping in view these factors and law of land, the Complaint Committee has been formed to prevent/deter the commission of any act of sexual harassment against women in any office of Essjay Ericsson Pvt. Ltd. (EEL) hereinafter referred to as “Company”.

The Policy is framed keeping in view the provisions of Sexual Harassment of Women at Work Place (PPR) Act 2013 enjoining all employers to develop and implement a policy against sexual harassment of women at the work place intended to promote gender sensitivity safe space and remove under lying factor that contribute toward a hostile work environment against women.
The main Objective of these Rules is to provide the procedures for the resolution, settlement or redressal of acts of sexual harassment of women employees at workplace with key focus as below:

- To create a positive and a healthy environment free of gender discrimination and gender biases.
- To sensitise the employees to lay a strong foundation for a sexual harassment free workplace.
- To creating awareness and a healthy understanding amongst the employees to promote amicable working relations between them.

3. Applicability
(i) These guidelines are applicable to every person working for and in the Company whether drawing salary, or honorarium or voluntarily. This policy shall be respected by and will be binding upon all persons employed at the Company including but not limited to the management, full time employee, contract employee, blue collared staff, staff hired by vendors, administrative staff, technical staff, support staff, consultants, apprentice, service providers, holding permanent, temporary, honorary, voluntary or trainee/short term positions.
(ii) Areas which can be termed as notional extension of Organization’s premises under the Act

4. Definitions
4.1 What is Sexual Harassment?
For the purposes of these Guidelines, the term '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 favour; or
(iii) sexually colored remarks; or
(iv) showing pornography or other offensive or derogatory pictures, cartoons; or
(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
(vi) any other act, omission, commission or behavior of similar or same nature as mentioned in Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, and as it appears in time to time amendment in gazette notification as enforced by Govt. of India.

Sexual harassment will also include such unwelcome sexually determined behavior by any person either individually or in association with other persons or by any person in authority whether directly or by implication such as
(i) Eve-teasing
(ii) Unsavory remarks
(iii) Jokes causing or likely to cause awkwardness or embarrassment
(iv) Innuendos and taunts
(v) Gender based insults or sexist remarks
(vi) Unwelcome sexual overtone in any manner such as over telephone (Obnoxious telephone calls) or through SMS.
(vii) Physical confinement against one's will and any other act likely to violate One’s privacy and includes any act or conduct by a person in authority and belonging to one’s sex which denies or would deny equal opportunity in pursuit of career development or otherwise making the environment at the workplace hostile or intimidating to person belonging to the other sex, only on the ground of sex.

4.2 **Committee** means the Internal Complaints Committee constituted as per Section 4 of the Act.

4.3 **Respondent** means a person against whom the aggrieved women have made a complaint.

4.4 **Aggrieved** in relation to workplace means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

4.5 **Company** where ever the word company is been used refer to Ericsson India Pvt. Ltd which include branches, departments or units throughout India

5. **Internal Complaints Committee**

Company has constituted the Internal Complaints Committee to hear and address Complaints of sexual harassment under the Act.

5.1 **Constitution of Internal Complaint Committee**-

The Internal Complaint Committee shall comprise of minimum 04 persons provided one half of the total members are women. The following persons shall constitute the Internal Complaints Committee:

(i) Chairperson
(ii) 2 Members from Employees(Sociology/legal/Social Science Background)
(iii)1 Member from NGO
In any of the employees/persons referred in the committee is not available to work on the committee or she/he being the victim or persons complained against, then the Chairperson may nominate such other employee/s to constitute the Committee. The Chairperson shall be subject to the appointment and removal as per the provisions of the Act.

5.2 Tenure of the members
The Chairperson and every member of the committee shall hold office for a period not exceeding three years, from the date of nomination to the Committee.

The current Committee is constituted for a period from 1st January, 2014 to 31st January 2015 and the list of members is provided in Annexure 1.

5.3 Main Functions of the Internal Complaint Committee
The Main functions of committee will be as under
• To educate and sensitize the employees about gender equality and gender amity
• To address the Complaints pertaining to sexual harassment, conduct enquiry and document all the initiatives and the complaints
• Finalize investigation report and submit the same to the HR Director to take appropriate action as deem fit.
• Attend the mandatory training organized by HR on how to conduct the investigation and preparation of report.
• Adhere to the documented process and use standard templates to record findings.
• The Internal Complaint’s Committee member/Chairperson are not the decision making authority and should conduct investigation without being biased and should adopt a fair approach.
• Completes the investigation and submits the report as per the defined time-lines, as far as practicable.
• Sign a confidentiality/ Non-disclosure document before assuming the role of the Internal Complaint’s Committee member.
• To make a report after the investigation is over and forward the same to the Management to initiate disciplinary action against the accused as deemed appropriate.
• To prepare and submit for each calendar year an Annual Report as per the provisions of the Act.
5.4 Working of Internal Complaint’s Committee
To redress the grievances of the victims of conduct of sexual harassment, and to ensure time bound treatment of complaints, all complaints of sexual harassment under these Rules would be looked into and acted upon or decided by Internal Complaints Committee.

5.5 General and Emergency Meeting:
The Complaint Committee shall hold generally one meeting in three months and minute each meeting. However, in case, any complaint comes pertaining to matter of sexual harassment, then the Committee will hold emergency meeting immediately as per its discretion and will proceed further as per requirement of matter.

5.6 Quorum:
To hold the proceedings to look into the complaint/s at least 03 Members of the Committee must be present. In the absence of Chairperson, one of the Members present may act as Chairperson at that particular meeting.

5.7 Power of the committee
(i) The committee is empowered to make an inquiry under & shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908(5 of 1908) when trying a suit in respect of the following matters, namely:--
   (a) Summoning and enforcing the attendance of any person and examining him on oath;
   (b) Requiring the discovery and production of documents: and
   (c) Any other matter which may be prescribed.
(ii) False or malicious Complaints

The committee is empowered for Punishing for false or malicious complaint and false evidence
(A) Where the Internal Complaint Committee, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer, to take action against the woman or the person who has made the complaint, as the case may be, in accordance with the provisions applicable to her or him. Provided further that the malicious intent on part of the complainant has been established after an inquiry in accordance with the procedure prescribed, before any action is recommended.
(B) Where the Internal Complaint Committee, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, to take action in accordance with the provisions applicable to the said witness.

5.8 Report:
In accordance to the law the Internal Complaints Committee shall

(i) Submit its Report to EIL/H of the Establishment within 10 days on conclusion of the proceedings. If the Members differ in their decision/verdict, dissenting Member shall submit his/her report to the Chairperson of the Committee, who shall forward the same along with the main Report to EIL/H.

(ii) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and all such report be made available to the concerned parties.

(iii) Where the Internal Committee or the Local Committee, as the case may be, 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 in the matter.

(iv) A copy of report will be provided to each Complainant and accused.

6. Complaint Mechanism

6.1 Filing of Complain

A. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaint Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident: The complaint will generally be addressed to the Chairperson of Committee and can also be given to any member of Committee by hand or through registered post.

B. Where the sexual harassment complaint is against the Employer itself i.e higher management the complaint shall be forward to Local Compliant Committee constituted by District Officer under the Act.

C. The Internal Committee, for the reasons to be recorded in writing, extend the
time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

D. Where such complaint cannot be made in writing, the Chairperson or any Member of the Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

E. If and where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this law.

F. The complaint by the aggrieved person should contain all the material and relevant details concerning the alleged sexual harassment including the name of contravener and the complainant. The employee should not have any apprehension that such a complaint may cause any discrimination or disadvantage to her in connection with her employment or work including recruiting or promotion or fear of having to work in a hostile work environment.

6.2 Inquiry into the Complaint

A. On receiving such a complaint, the chairperson will inform other members of Committee at the earliest possible and Committee will take further steps in the matter as required. The first meeting is to be held immediately within reasonable time but not later than 07 working days of receiving the written complaint of the Aggrieved .(After lodging the complaint, the Complainant shall participate in the proceedings of the Complaints Committee and assist the Committee to arrive at a decision and submit its report under these Guidelines.)

B. The Committee shall scrutinize the complaint in details and may before initiating an inquiry and at the request of the Aggrieved take steps to reconcile and settle the matter through Conciliation as per para 6 below.

C. Subject to para 5.2.2, the Committee shall initiate an inquiry. The Committee may forward a copy of the complaint to the Respondent for his reply and representation. If the complaint of the aggrieved involves an act of sexual harassment that amounts to an offence under Indian Penal Code of any other Act, the complainant will be informed by the Complaint Committee of her right to initiate action under said Act, if the complainant desires. Also the committee shall send its report at the end of the said Meeting with advice to the
Management to initiate appropriate action.

D. Thereafter, with prior notice to both the parties, the Committee shall hold such number of sittings as are considered necessary within the office premises and shall hear the parties and their respective representatives, if any and their witnesses. During such proceedings, the Complainant and the Respondent may take the assistance of any other employee of the Company (who is not on the Complaints Committee) as a special counselor or to provide support service to her/him during such hearing.

E. After enquiring the matter, the Committee shall submit its report containing the findings/recommendation along with relevant documents (complaint of Complainant and reply of Respondent and such other material, etc) to the Management, within 90 days of receiving the complaint.

6.3 False or Malicious Complaints: Where the Internal Complaint Committee, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer, to take action against the woman or the person who has made the complaint, as the case may be, in accordance with the provisions applicable to her or him. Provided further that the malicious intent on part of the complainant has been established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

B. Where the Internal Complaint Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, to take action in accordance with the provisions applicable to the said witness.

C. False or Malicious Complaint: If the Committee arrives at a decision that the complaint of the Complainant is mischievous or malicious with intend to harass or harm the reputation or prospects of any particular employee and submits its report accordingly, then and in such an event the Management may construe such conduct as misconduct in employment and initiate appropriate disciplinary action against the erring employee.
7 Conciliation

The Internal Complaint Committee, may, before initiating an inquiry under this law and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation: Provided that no monetary settlement shall be made as a basis of conciliation.

7.1 Where a settlement has been arrived at under this law, the Internal Complaint Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. The Internal Complaint Committee shall provide the copies of the settlement as recorded during trial to the aggrieved woman and the respondent. Where a settlement is arrived at under this law, no further inquiry shall be conducted by the Internal Complaint Committee.

7.2 Where the aggrieved woman informs the Internal Complaint Committee, that any term or condition of the settlement arrived at under this law has not been complied with by the respondent, the Internal Complaint Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police: Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make Representation against the findings before the Committee.

8. Relief

8.1 During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Complaint Committee may recommend to the employer to provide interim reliefs viz. transfer the aggrieved or respondent person, grant leave up to 3 month to aggrieved women, grant other relief to the aggrieved women as provide under the Act. Leave under this section shall be in addition to the other leave provided by the company.

8.2 On the recommendation of the Internal Compliant Committee, as the case may be, the employer shall implement the recommendations and send the report of such implementation to the Internal Committee.

8.3 Where the Internal Complaint Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer.
8.4 To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

8.5 To 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 aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of this law: Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman: Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Complaint Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

8.6 While determining the compensation payable under above para the Internal Compliant committee shall have regards to- a) mental trauma, pain, suffering, and emotional distress caused to the aggrieved women, b) the loss in career opportunity due to incident of sexual harassment, c) medical expenses incurred by the victim for physical or psychiatric treatment, d) income and financial status of Respondent, e) feasibility of such payment in lump sum or instalment.

8.7 The employer shall act upon the recommendation within sixty days of its receipt by him.

9. Report:
Upon the completion of the Inquiry, the Internal Committee shall

9.1 Provide a report of its findings to the employer and/or authority prescribed under the Act, within a period of ten days from the date of completion of the inquiry and all such report be made available to the concerned parties.

9.2 Where the Internal Complaint Committee, 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 in the matter.

9.3 A copy of report will be provided to each Complainant and accused.
10. **Disciplinary Procedure**

10.1 After the investigation is over, the committee shall document and present the findings to the management for a disciplinary action to be taken against the Respondent as deemed appropriate.

10.2 Action will be taken based on the decision of the committee and will commensurate to the degree of offence.

10.3 Where such conduct amounts to misconduct in employment, appropriate disciplinary action would be initiated by the Management in accordance with the rules.

10.4 The personal conduct at all times of any employee shall be of such a nature as not to bring discredit upon the company. Conduct contrary to this policy may result in termination or other disciplinary action.

11. **Criminal Proceedings**

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the management shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority. In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

12. **Preventive Steps by Employer**

Every employer shall--

(a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

(b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments: and the order constituting, the Internal Committee under this law;

(c) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Committee in the manner as may be prescribed;

(d) Provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;

(e) Assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;

(f) Make available such information to the Internal Committee or the Local Committee, as the case
may be, as it may require having regard to the complaint made under this law;

(g) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;

(h) Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;

(i) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(j) Monitor the timely submission of reports by the Internal Committee

Every Employee Shall

a) It is expected that employees should follow below mentioned points-

b) Not indulge or encourage any other person/s to indulge in acts of sexual harassment of women working in the Establishment;

c) Prevent others from indulging in sexual harassment of women and submit report or lodge a complaint with the Committee constituted under these Rules;

d) Have the right to raise issues of sexual harassment of women working in the Establishment in the appropriate Fora/Meetings of employees or with Management of the Establishment.

13. Confidentiality of Proceeding

The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaint Committee, and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner: Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

14. Appeal

(1) Any person aggrieved from the recommendations made on complaint or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the Act.
Annexure 1

Internal Complaint Committee from 1st January 2014 to 31st December 2016 (3 Years)

The following person constitutes the members of the Internal Complaint Committee for the Company:-

1. Nandita Singh          Chairperson
2. Gurmeet Kaur          Member
3. Geetika Kapoor        Member from NGO
4. Anupa Naik            Member from NGO
5. Sanjay Kumar          Member