

**POLICY ON PREVENTION OF
SEXUAL HARASSMENT OF
WOMEN AT
KSR & CO COMPANY
SECRETARIES LLP**

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1. INTRODUCTION

Sexual Harassment of Women at Workplace (Prevention, Prohibition and redressal) Act, 2013 (POSH Act) read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rule, 2013 (Rules) were notified on 9th December, 2013. The POSH Act and the Rules framed thereunder provides a redressal mechanism for handling cases of sexual harassment at workplace. Rule 13(a) of the Rules mandates every employer to formulate an internal policy on prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.

Sexual harassment at the workplace results in violation of the fundamental rights of a woman

- to equality under Articles 14 and 15 of the Constitution of India
- to life and to live with dignity under Article 21 of the Constitution
- to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on 25 June 1993 by the Government of India.

2. STATEMENT OF INTENT

KSR & Co Company Secretaries LLP (the Firm) is committed towards healthy working environment. The firm do not encourage partiality on the basis of race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethics origin or disability so that all are treated with dignity. The firm follows zero tolerate policy towards sexual harassment at workplace and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment including workplace harassment.

This policy intends to outline the procedures for preventing, addressing, and resolving complaints of sexual harassment and provides a mechanism for redressal through an Internal Complaints Committee (ICC).

3. DEFINITION

- i. *“Aggrieved women employee” means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;*
- ii. *“Employee” means a person employed at the workplace, for any work on regular, temporary, ad-hoc or basis, either directly or through an agent, including a educational institution, with or without the knowledge of the principal employer,*

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.

- iii. *“Employer” means the manager, department head, senior or superior reporting authority and partners and associates.*
- iv. *“Workplace” includes*
 - a. *All offices, branches or other premises where the Firm’s business is conducted.*
 - b. *All firm-related activities performed at any other site away from the Firm’s premises.*
 - c. *Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.*

4. SCOPE

This POSH Policy is framed in accordance to the above-mentioned act and rules. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

This policy applies to all woman employees (full-time, part-time, trainees and those on contractual assignments) of the firm including all subsidiaries and affiliated companies at their workplace or at client sites and also to visitors of the firm.

5. WHAT DOES SEXUAL HARASSMENT MEAN?

Sexual harassment is unwelcome conduct of any nature which makes an employee feel offended, humiliated and/or intimidated sexually. In order to determine whether sexual harassment has occurred or not; purely depends upon the experience of the aggrieved employee and not on the intention of the people who does any act or behaviour.

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), but are not limited to:

- i. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit;
- ii. Verbal conduct includes (but not limited to) teasing, voyeurism, innuendos and taunts with implicit sexual connotation including insult based on sex of the employee or commenting on an employee’s appearance, age, private life etc.;
- iii. Physical conduct includes (but not limited to) patting, pinching, stroking, fondling, intentional brushing against another’s body, eve teasing, taunts, sounds which have explicit and /or implicit sexual connotation/overtones, molestation etc.;
- iv. Demand or request for sexual favour;
- v. Display of pictures, signs or such others things with sexual nature / connotation / overtones in the work area or work-related areas;

- vi. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons, pornography or other materials through email, SMS, MMS, gestures, or any social media platform etc.;
- vii. Making sexually coloured remarks, about looks, clothing or body part, etc.
- viii. Giving gifts or leaving objects that are sexually suggestive;
- ix. Repeatedly asking to socialize during off-duty hours, invitation for a date, or continued expressions of sexual interest against a person's wishes;
- x. Intruding one's privacy with constant staring, watching, following, contacting of a person or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour also 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 or safety.

An alleged act of sexual harassment committed at the workplace, during or outside of office hours falls under the purview of this policy.

6. PROHIBITION OF SEXUAL HARASSMENT AT WORKPLACE

Any acts or behaviours specified in Para 5 of the policy mentioned hence forth is strictly prohibited by the firm. Any person engaged in the above said activities would be held liable and shall undergo inquiry, disciplinary actions or prosecution as stated in the policy which may involve termination of employment on grounds of moral turpitude.

7. HOW TO IDENTIFY SEXUAL HARASSMENT?

It is vital for the employee to identify an act of sexual harassment and raise the voice. The employee should actively avoid such situation and/or report to the Internal Complaint Committee (ICC) immediately or not later than three months from the incident and in case of any continuing event; report from the day of last encounter / incident.

It is our responsibility to build a safe workplace together. Never encourage harassment. The Employees shall vow to undertake following actions to ensure prevention of any form of harassment:

- i. Refusing to participate in any activity which constitutes harassment
- ii. Support the person to reject unwelcome behaviour
- iii. Acting as a witness if the person being harassed decides to lodge a complaint

8. WHO CAN MAKE COMPLAINT?

All women employee of the firm shall be protected under this policy to provide safe working environment. Any Aggrieved women employee may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaint Committee. The members of the ICC shall render all reasonable assistance to the Aggrieved women employee for making the complaint in writing.

Where the aggrieved women employee 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 to ICC.

The written complaint shall be made 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. ICC may, 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 aggrieved employee from filing a complaint within the said period.

9. REDRESSAL MECHANISM – COMMITTEE, PROCESS & RESOLUTION

Any complaint received under this policy shall be proceeded in accordance with this policy and in compliance to the Act.

A. INTERNAL COMPLAINTS COMMITTEE (ICC)

Internal complaints committee shall be formed to receive complaints, proceed redressal mechanism and to communicate & conduct awareness programmes on sexual harassment at workplace. The firm shall constitute Internal Complaints Committee in accordance with the Act, by appointing ICC at each administrative units or offices as decided by partners & associates.

➤ **Constitution:**

The ICC shall consist of the following members, provided at least half of the total members so nominated by the partners & associates shall be women, namely:

- i. **Presiding Officer:** A female employee at a senior level at the workplace shall be appointed as presiding officer.
- ii. **Two Internal Members:** Two employees who are committed to the cause of women or who have experience in social work or have legal knowledge.
- iii. **One External Member:** One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

➤ **Tenure:**

All the members including presiding officer shall hold office at ICC for not more than three years from their appointment. They can be re-appointed after a cooling period of two years.

➤ **Vacation of office:**

A member of the ICC gives a resignation from the firm's employment, or go on a leave for a continuous period of two months or more they shall vacate the office at ICC. And such vacation shall be treated as casual vacancy and be filled by fresh nomination in accordance with the act within a period of three months from the date of vacation.

If the member is found contravening the provisions of section 16 of the Act; or has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or has so abused his/her position as to render his/her continuance in office prejudicial to the public interest, such member shall vacate the office at ICC. The vacancy so created shall be treated as casual vacancy.

B. COMPLAINT REDRESSAL & RESOLUTION:

➤ **INFORMAL COMPLAINT:**

When an incident of sexual harassment occurs, the aggrieved person of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.

If the harassment does not stop or if the aggrieved person is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the immediate superior or department head for redressal of the grievances, who shall provide an informal resolution option.

Informal resolution shall include warning the harasser, separating or changing the reporting of the work between harasser and aggrieved person, or such other resort which the manager finds appropriate.

Even in case of informal complaint the superior or department head shall intimate such receipt of complaint along with informal resolution taken to the ICC within a period of 50 days from the receipt of such informal complaint.

➤ **FORMAL COMPLAINT:**

- i. An aggrieved person with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of the ICC constituted by the Management. The complaint shall have to be in writing, submitted within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. The ICC can extend the timeline for

- filing the complaint, for reasons to be recorded in writing, by another period of 3 months. The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.
- ii. The Presiding Officer of the ICC will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint.
 - iii. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons, and if required may carry a disciplinary action against the harasser after communicate the same to the complainant.
 - iv. If the Presiding Officer of the ICC determines that the allegations constitute an act of sexual Harassment, the aggrieved person will be given an option for conciliation or formal inquiry to investigate the allegation with the assistance of the ICC.
 - v. In case of conciliation, no monetary settlement can be made. The settlement arrived by committee shall be recorded & report the same to the employer for taking appropriate action. Resolution through conciliation is to happen within 2 weeks of receipt of complaint. The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.
 - vi. Where the aggrieved person denied conciliation or the conciliation has not resulted in any settlement or the aggrieved person informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent; than a formal inquiry under the provision of Act shall be initiated.
 - vii. The manner and procedure for initiating formal inquiry is as follows:
 - a. The aggrieved person should submit the complaint along with supporting documents and the names of the witnesses, if any.
 - b. The ICC will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
 - c. At the first meeting, the ICC members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
 - d. The ICC shall proceed with the enquiry and communicate the same to the Complainant and Respondent.

- e. Upon receipt of the complaint, the ICC will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
 - f. Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
 - g. Thereafter, the Respondent may be called for a deposition before the ICC and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
 - h. The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
 - i. If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the ICC the names of witness/es that they propose to call.
 - j. The ICC shall call upon all witnesses mentioned by both the parties.
 - k. The ICC shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
 - l. If either party desires to tender any documents by way of evidence before the ICC, 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.
 - m. No legal practitioner can represent any party at any stage of the inquiry procedure.
 - n. The ICC is to make inquiry into the complaint in accordance with the principles of natural justice
 - o. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present
 - p. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
 - q. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the firm shall take all steps necessary and reasonable to assist the aggrieved person in terms of support and preventive action.
 - r. The ICC can terminate the inquiry or give ex-parte decision, when the complainant or respondent remains absent for 3 consecutive hearings.
- viii. The ICC shall conduct such investigations in a timely manner and shall submit a written report to the partners & associates of the Firm containing the findings and recommendations on action to be taken as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint.

- ix. Where such conduct, on the part of the accused, amounts to a specific offence under the law, the firm shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
- x. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

10. RELIEF DURING PENDENCY OF INQUIRY

The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to-

- i. restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- ii. restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman

11. PUNISHMENT FOR SEXUAL HARASSMENT

Where the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

In case the ICC finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint under The Bharatiya Nyaya Sanhita, 2023 (BNS) (45 of 2023), which deals with Sexual Harassment as a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant or any other law for the time being in force, against the harasser, or if the aggrieved employee so desires, where the harasser is not an employee, in the workplace at which the incident of sexual harassment took place.

12. PUNISHMENT FOR FALSE / MALICIOUS COMPLAINT & FALSE EVIDENCE

Where the ICC arrives at the 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 or District Officer, as the case may be, to take action in accordance with the provisions of Rule 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

13. CONFIDENTIALITY & PROTECTION AGAINST VICTIMIZATION

The Firm understands that it is difficult for the aggrieved person to come forward with a complaint of sexual harassment and recognizes the interest in keeping the matter confidential.

To protect the interests of the aggrieved person, witness, the harasser or respondent and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. The firm adopts zero tolerance towards victimization and persons involved shall go through disciplinary action.

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Firm except where disclosure is required under disciplinary or other remedial processes.

The information may be disseminated regarding the justice secured to any aggrieved person 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

Any person aggrieved or dissatisfied from the recommendations, implementation or non-implementation of such recommendations made may prefer an appeal to the appellate authorities Chief Labour Commissioner or all Deputy Chief Labour Commissioner within 90 days of the recommendation.

15. AWARENESS PROGRAMME

The employer shall make active contribution in spreading the awareness about POSH Act and the Internal Complaints Committee for redressal. It can initiate the following steps:

- i. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the active role of ICC;
- ii. Carry out employee's awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- iii. Use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act
- iv. Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the ICC in the manner as may be prescribed;

- v. Conduct capacity building and skill building programmes for the Members of the ICC;
- vi. Declare the names and contact details of all the Members of the ICC;

16. LEGAL COMPLIANCE

- i. The ICC shall create an annual report for every calendar year having the following details;
 - a. number of complaints of sexual harassment received in the year;
 - b. number of complaints disposed off during the year;
 - c. number of cases pending for more than ninety days;
 - d. number of workshops or awareness programme against sexual harassment carried out;
 - e. nature of action taken by the employer or District Officer
- ii. The ICC shall submit such annual report to the partners & associates of the firm and the District Officer of the workplace before 31st January every year.
- iii. The employer shall disclose on firm's website copy of the POSH Policy and the details of Internal compliant committee including their name and contact details.

17. REVIEW OF THE POLICY

This policy shall be reviewed at an interval as may be decided by the Internal Compliant Committee and approved at the partners & associates meeting.

This policy is subject to the provision of POSH Act and the Rules framed thereunder and shall be subject to change. In case of any discrepancy between the policy and the Act, the act shall prevail.
