

Policy dealing with Sexual Harassment

A. Policy

Span Divergent Limited is committed to an environment of mutual appreciation and respect. It is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.

This policy has also been formulated to prevent, prohibit and redress sexual harassment in the workplace

B. Scope

This policy extends to all employees including corporate and subsidiaries and associates/service providers of any entity and comes into effect immediately

1. The policy would not only apply inside the office premises but also on out of office official duty (workshops, field work, group holidays/excursions organized by entity, interviews/meetings with outside people and any other activity organized by entity, outside the campus including the period of traveling for such activity).

2. In particular, the rules and procedures laid down in this policy shall be applicable to all complaints of sexual harassment made by any staff, associates/service providers, especially female; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the office. By a service provider or an outsider against an employee or associate

3. In order to implement the policy, a Committee shall be appointed within entity, whose composition and mandate would be as described below.

C. Definitions

Sexual Harassment

Sexual Harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as

- Physical contact and advances
- A demand or request for sexual favours
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance
- Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy
- Act or conduct by a person in authority which creates the environment workplace hostile or intimidating to a person belonging to the other sex; conduct of such an act at work place or outside in relation to a staff member of an entity, or vice versa during the course of employment
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment.

Employee or Staff

Any person who comes to the workplace is considered by the Act as an employee – either as a regular employee, on an ad hoc or temporary basis, or for a daily wage. They maybe directly employed, through an agent or contractor, with or without knowledge of the principle employer. They maybe there for remuneration (or not), on a voluntary basis (or not); and their terms maybe expressed or implied. This includes any co-worker, contract worker, probationer, trainee, and apprentice.

Employer

Any person in specific entity -responsible for management

Aggrieved person

- Any employee of the company (full time/part time/contractual etc.).
- Also, any woman, of any age, whether an employee or not, who alleges they have been subjected to any act of Sexual Harassment.

Redressal/Internal Complaint Committee (ICC)

It is the formal committee for resolving issues raised by aggrieved person

Respondent

Any person against whom the complainant has been made

Workplace

Premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by the Company. Places visited by the Employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such journey.

D. Prevention of Sexual Harassment

Each entity will take reasonable steps to ensure prevention of Sexual Harassment at work which include circulating applicable policies and other relevant information of all associates including to all new joinees and organise sensitisation session on prevention of Sexual Harassment. Important messages

about the policy, ICC and IPC (Indian Penal Code) sections related to Sexual Harassment will be shared and displayed at workplace. Refer to Annexure below for the same.



POSH- Annexure
1.docx

E. Redressal Committee – Internal Complaint Committee

By an order in writing by the Management of an entity constitutes a committee to be known as the “Internal Complaints Committee” which will redress complaints of Sexual Harassment. The members of the committee are as follows:

Internal Complaint Committee Members-

1. Presiding officer or Chairperson - Female employee of the company in the management or senior most post. In case a senior level woman employee is not available, then the presiding officer shall be nominated from other offices or administrative units of the entity or Span group. In case a senior level woman employee is not available in the whole group, then the presiding officer shall be the Woman Director of the company.
2. Member Secretary – HR Manager
3. Member - Employee/Staff
4. External Expert – NGO person or person having 5 years of experience in social sector/women right issues
5. Member (Optional) – Employee/Staff

Not less than half of the members would be women.

F. Function of ICC

- To educate and sensitize employees about the issue
- To address the complaint, conduct enquiry etc.
- While addressing the complaints of females, it will operate as a Quasi Judicial Body like Civil Court with powers to
 - ✓ Summon and enforce attendance
 - ✓ Call for evidence, documents, witness

G. Procedure for reporting the incidence of Harassment-

Any employee who feels or is being sexually harassed directly or indirectly or is subject to conduct which violates this policy-

- Should report verbally or in writing ,to the Internal Complaint Committee of the entity

OR/AND

- Send an email to hr@span.co.in

The complaint can be filed 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

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the aggrieved person for making the complaint in writing.

In case of mental/physical incapacity or death, legal heir, immediate relative, close friend, or any person who has the information about the incident can file a complaint to ICC.

The committee is committed and required by law to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. The committee will make an immediate and independent inquiry into the allegations.

H. Role of the Committee and redressal procedure -

- 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.
- The complainant needs to be informed about the ensuing process and the informal (through Conciliation, only if the aggrieved person wants) or formal (through inquiry and investigation) options available for the redress.
- If the aggrieved person chooses to adopt the informal process, this can include counseling, educating, orienting, or warning the respondent to promptly stop the unwelcome behavior or appointing a neutral person to act as a conciliator between the parties to resolve the complaint through conciliation, provided that no monetary settlement is made the basis of such conciliation
- However, before recommending conciliation, the Committee must assess the severity of the situation and if necessary, advise and enable the complainant to opt for the formal route. At no point, the Complaints Committee will advise the complainant to resolve the matter directly with the respondent.
- Where such an informal process is successful, such resolution is to be recorded by the conciliator and forwarded to the ICC who in turn will forward the same to the employer for further action based on the resolution.
- If the complainant opts for formal redress, or the nature of the complaint is serious which calls for formal redress, then the Complaints Committee responds to the complaint.
- The ICC will complete the inquiry and investigation process in 60 days of time period
- The ICC will file the final report to the employer within 10 days after completion of inquiry and investigation process
- The employer will take no longer than 90 days after receiving the final report to act on the recommendations of ICC

I. Disciplinary Action

Based on the above inquiry process, the Complaints Committee must arrive at a finding of whether the complaint is upheld, not upheld or inconclusive. Provided, where both the parties are employees, before finalizing the findings, the ICC shall share its finding with both the parties and provide them an opportunity to make representation against it before the Committee.

Based on its findings, the Complaints Committee shall then make appropriate recommendations which may include: 1. Where the Complaints Committee is unable to uphold the complaint, it shall recommend no action. 2. Where the Complaints Committee upholds the Complaint, it may recommend such action as stated within the relevant Policy or Service Rules, which may include a warning to terminate.

The Complaints Committee may also recommend financial damages to the complainant, while deciding the amount they shall take into consideration: • Mental trauma, pain, suffering and emotional distress caused; • Medical expenses incurred; • Loss of career opportunity; • Income and financial status of the respondent.

The Complaints Committee can also give additional recommendations to address the underlying factors contributing to sexual harassment at the workplace

J. Criminal Proceedings

Where such conduct amounts to a specific offence under the Indian Penal Code , the employer 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.

K. Confidentiality

This policy prohibits the disclosure of: • Contents of the complaint; • Identity and address of complainant, respondent and witnesses; Information pertaining to conciliatory/inquiry proceedings or recommendations of the ICC; • Action taken by the employer.

Such breach of confidentiality will be liable for disciplinary action and fine.

Exception: Dissemination of information regarding the justice secured without disclosure of name, address, identity and particulars of complainant or witnesses can be done by the management.

L. Protection against Retaliation

Regardless of the outcome of the complaint, retaliation against any employee lodging the complaint and any person providing information or any witness is prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment

M. Documentation

The committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainant's and the accused's files with full report of the Complaints Committee.

N. Appeal

In the event that any person is aggrieved from the recommendations made by the ICC or non-implementation of such recommendations, they may appeal to the appropriate authority, as specified by the law, within a period of 90 days of the recommendations.

O. Policy Changes

The company reserves the right to amend the policy from time to time in order to comply with any laws/ rules/regulations that come into effect related to sexual harassment. Any such changes will be disseminated in written by the management of an entity.