

Sexual Harassment Policy

Introduction

INCLLEN's quest for excellence consists of its commitment to lawful and ethical conduct and adhering to INCLLEN's values. Integrity, honesty, and respect for people remain some of its core values. INCLLEN is committed to provide a safe and conducive work environment to its employees and expects them to combine "Expertise with responsibility". Towards this, it is essential that each employee deals with their colleagues and third parties with full fairness and respect and realizes that his/her behavior will be attributed to the trust and can affect its inward and outward reputation. Under Indian law, harassment of any kind including sexual harassment is forbidden. Every employee has the right to be protected against harassment, regardless of whether the accused considers his or her own behavior to be normal or acceptable and whether the harassed person has the opportunity to avoid the harassment.

INCLLEN is committed to providing a work environment free of sexual harassment. Sexual harassment is a form of workplace harassment of a sexual nature that affects the dignity of men and women at work. INCLLEN's sexual harassment policy has been formed to prohibit, prevent, or deter the commission of acts of sexual harassment at the workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment. The policy has been drawn in reference to the "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" of Government of India.

Applicability

This policy applies to all categories of employees of INCLLEN, including permanent management and workmen, temporary staff, trainees and employees on contract at their workplace or outside while on assignment. INCLLEN has a policy of zero tolerance towards sexual harassment, if engaged in by clients, associates or by suppliers.

The workplace includes: Any department, office, branch or field unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by INCLLEN.

Definition of Sexual Harassment

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

"Sexual Harassment" includes any one or more of the following unwelcome acts or behaviors (whether directly or by implication) namely: -

1. physical contact and advances; or
2. a demand or request for sexual favors; or
3. making sexually colored remarks; or
4. any other unwelcome physical, verbal or non-verbal conduct of sexual nature
5. the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment –
 - a) implied or explicit promise of preferential treatment in her employment; or
 - b) implied or explicit threat of detrimental treatment in her employment; or
 - c) implied or explicit threat about her present or future employment status; or
 - d) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - e) humiliating treatment likely to affect her health or safety

Responsibility regarding sexual harassment

INCLLEN and its every employee shall –

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
2. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence or any other law of the time being in force
3. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct

Sexual Harassment Complaint committee

An Internal 4-member Sexual Harassment Complaint Committee shall be formed by the Executive Director and shall have at least two female members from INCLLEN and one female independent member from outside. There shall be separate Committees for IEO and SOMAARTH

The presiding officer of Sexual Harassment Committee shall be a senior woman employee of the organization.

The names of the members of the Sexual Harassment Committee for a calendar year shall be notified by an IOM in the month of December of previous year.

The names of the members of The Sexual Harassment Committee with their phone and mobile numbers shall be prominently displayed in the offices of IEO and SOMAARTH.

Tenure

Tenure of the members of the committee shall be for three years. The presiding officer or members shall cease to be member in case of he/she:

- ✓ 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
- ✓ Has been found to be guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her.
- ✓ Has abused his/her position as to render his/her continuation in office prejudicial to the public interest
- ✓ Publishes/ makes public the content or discloses the event or identity of the aggrieved person (woman or man) or related issue

Complaint Mechanism

Any aggrieved woman employee may make, in writing, a complaint of sexual harassment at workplace to the “Internal Complaint Committee” within the 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.

If in case aggrieved woman is not able to write the complaint, Presiding Officer and Internal Complaint Committee shall provide all reasonable assistance to the woman in submission of the written complaint.

Where aggrieved woman is unable to file complaint on account of her physical or mental incapacity or death, her legal heir or such other person may complain as prescribed to the Internal Complaint Committee.

Pending Enquiry

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Sexual Harassment Complaint Committee may recommend INCLEN Executive Director to:

1. transfer the aggrieved woman or the respondent to any other workplace or
2. grant leave to the aggrieved woman up to a period of inquiry
3. grant any other such relief to the aggrieved woman as may be necessary/ prescribed.

Conciliation

Internal Sexual Harassment Complaint Committee may before initiate an inquiry and at the request of the aggrieved women may 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, the Internal Sexual Harassment Complaint Committee shall record the settlement so arrived and forward the same to the Executive Director to take action as specified in the recommendation.

The Internal Sexual Harassment Complaint Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

Where the settlement is arrived, no further inquiry shall be conducted by the Internal Sexual Harassment Complaint Committee, as the case may be.

Inquiry into Complaint

Where the aggrieved woman informs the Internal Sexual Harassment Complaint Committee that any term or condition of the settlement arrived has not complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint. Based on the condition and necessity, the Internal Complaint Committee may decide to forward the complaint to the police after informing the ED.

During the course of inquiry, the victim and the respondent shall be given opportunity of being heard and a copy of the findings shall be made available to both enabling them to make representation against the findings before the Committee.

On the completion of the inquiry, the Internal Sexual Harassment Complaint Committee shall provide a report of its findings to the Executive Director within a period of ten days from the date of completion of the inquiry and the copies of this report be made available to the concerned parties.

Disciplinary Action

If the allegation by aggrieved woman against the respondent is proven, the Internal Sexual Harassment Complaint Committee will recommend to the Executive Director appropriate disciplinary action, as applicable based on the severity of the misconduct. Disciplinary action may include transfer, financial penalty, withholding promotion, suspension or even dismissal, as considered appropriate. This action shall be in addition to any legal recourse sought by the complainant.

If the Internal Sexual Harassment Complaint Committee arrives at a conclusion that the allegation against respondent has not been proved, the committee shall recommend to Executive Director that no action is required in the matter. Where the Internal Sexual Harassment Complaint Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any person making the complaint has made the complaint knowing it to be false or she has produced forged or misleading documents, the committee may recommend to Executive Director to take action against the woman or person making complaint as appropriate. But mere inability to

substantiate a complaint or provide adequate proof need not attract action against the respondent. Further the malicious intent on the part of the complainant shall be established after an enquiry in accordance with the procedure has been followed, before any action is recommended.

Confidentiality

All information related to the complaint and content received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

Protection against Retaliation

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee shall ensure that the complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the accused against the complainant while the investigation is in progress should be reported by the complainant to the Internal Complaints Committee as soon as possible. Disciplinary action will be taken by the Internal Complaints Committee against any such complaints when found genuine.

Documentation

The Internal Complaints 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 respondent's/accused's files with the full report of the Internal Complaints Committee.

Dissemination of the Policy

A copy of this policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the policy.

Complaints made with a malicious intent

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, INCLEN employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual /tarnishing his/her image in the company and to settle personal/professional scores, strict action will be taken against the complainant. The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.