

8 December 2023

**Office Note to All Staff**

**Work Place Environment Policy against Sexual Harassment**

Ananta Aspen Centre, India has zero tolerance to sexual harassment at workplace and is committed to ensure that the organization maintains a positive, safe and productive working environment for all its employees, free from sexual harassment of any kind.

In this regard, Ananta Aspen Centre, based on the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 of the Parliament of India, has comprehensively put a policy in place and the same is being circulated with this letter for compliance by all staff.

As laid down in the policy, an Internal Complaints Committee (ICC) has been reconstituted. The details of the Presiding officer & the members are mentioned in the Annexure to the policy. As per the suggestion of the External Member, an Ombudsman has been appointed for counselling, if required.

Copy to:

1. Ms Perna Bountra, Assistant Director, Presiding Officer, ICC
2. Ms Roshni Kerketta, Assistant Director, Member, ICC
3. Mr Amit Joshi, Assistant Director, Member, ICC
4. MS Vinati Kastia Kilambi, Senior Partner, AZB & Partners, Member, ICC (External Member)

**Ombudsman**

Ms Charu Jishnu, Assistant Director, ICC





## **WORK PLACE ENVIRONMENT POLICY AGAINST SEXUAL HARASSMENT**

### **1. BACKGROUND**

Ananta Aspen Centre is committed to maintaining a positive, safe and productive working environment for all its employees at their workplace. The organisation does not discriminate on the basis of race, religion, origin, sex, age, disability, creed, or sexual orientation in offering employment to prospective as well as existing employees. In pursuit of these goals, Ananta Aspen Centre will not tolerate verbal or physical conduct of a sexual nature by any employee that harasses, disrupts, or interferes with another's work performance or that it creates an intimidating, offensive, or hostile environment.

Right to protection from sexual harassment and right to work with dignity are recognized as universal human rights and the organization endorses the same. Accordingly, keeping in view these factors and the law of the land, the present policy is being framed to redress, prevent/deter the commission of any act of sexual harassment against any employee and women in particular who are working in any part/office of the organization.

### **2. POLICY AND APPLICABILITY**

This Policy with immediate effect extends to all employees and is deemed to be incorporated in the service conditions of all employees.

Ananta Aspen Centre subscribes to a Zero Tolerance policy on sexual harassment. Any such proven occurrence will amount to misconduct and the accused is liable to be subjected to strict disciplinary action in accordance with organization policy.

Ananta Aspen Centre shall take all necessary and reasonable steps to prevent and ensure that no employee is subject to sexual harassment during and in the course of employment. Where any such sexual harassment occurs, Ananta Aspen Centre shall take all necessary steps to assist the aggrieved and for the redressal of the grievance due to an act of sexual harassment.

Sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, fellow colleagues or any person who is directly or indirectly associated with the work of the organisation such as vendor, employees, clients, customers, is prohibited, whether the harassment occurs in I at the workplace or at any other place where the aggrieved is located in connection with the work of the organisation; or in any work-related setting outside the workplace such as during business trips, business meetings and business-related social events.

Ananta Aspen Centre will display on its notice board in the workplace, the policy for Prevention, Prohibition and Redressal of grievances of sexual harassment and the penal consequences for violations of the policy as well as notify the member's names constituting the panel of the Internal Complaints Committee (ICC) along with their contact details.

To ensure the widespread awareness of the said policy, Ananta Aspen Centre will sensitize employees about the provisions of this policy.

### 3. OBJECTIVES

To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of/by employees of Ananta Aspen Centre and its constituents;

To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of all employees;

To ensure the implementation of the sexual harassment prevention policy in letter and spirit by undertaking all necessary and reasonable steps, including the constitution of an ICC for purposes of gender sensitization and to conduct enquiries into complaints of sexual harassment.

### 4. DEFINITIONS

- I. **"Aggrieved person"** means any female person whether major or minor and includes a woman employed or working or trainee or intern or sponsor who alleges that she has been subjected to sexual harassment when working at or working in connection with the work of Ananta Aspen Centre.
- II. **"Complaint Committee"** means an Internal Complaints Committee (ICC) which has been constituted to deal/dispose the matters relating to sexual harassment at the workplace.
- III. **"Complainant"** means any aggrieved person /woman for herself and on behalf of others in case more than one aggrieved woman. It would also include a woman or representative body acting on behalf of the aggrieved woman or her legal heirs.
- IV. **"Defendant"** means a person against whom an allegation of sexual harassment is made.
- V. **"Employee"** for the purposes of this policy means a person engaged at Ananta Aspen Centre for any work on regular, contractual, temporary, ad hoc basis and includes consultants, interns, volunteers, trainees and also includes those who are engaged by or through a contractor/ outsourcing agency, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied.
- VI. **"Employer"** means Ananta Aspen Centre.
- VII. **"Sexual Harassment"** is defined as comment, gesture or a contact of a sexual nature directed at race, colour, age, religion, sexual preference, marital status that is likely to cause offence or humiliation to a reasonable person or that might, on reasonable grounds, be perceived by a reasonable person as placing a condition on their employment or on any opportunity for training or promotion. Without limiting the general meaning of the word "sexual harassment" and with the exclusion of any consensual conduct, it includes any one or more of the following unwelcome acts or

behaviour (whether directly or by implication) depending on the circumstances including but not limited to

- a) Any unwelcome sexually determined conduct whether physical, verbal or non-verbal, including but not limited to, sexual advances, demands or requests for sexual favours, molestation, sexually nuanced gestures, comments, remarks or jokes either verbal, textual, graphic or electronic or by any other means or action;
- b) Demand or request for sexual favours; or
- c) Making sexually coloured remarks; or
- d) Showing pornography other offensive or derogatory pictures, cartoons, pamphlets or sayings;
- e) Requesting, explicitly or implicitly, submission to sexual demands as a term or condition of employment;
- f) Using sexual considerations as the basis for employment decisions such as promotions, salary increases, assigned duties, flexibility in hours, work force reduction, or any other condition of employment;
- g) Insulting or obscene comments or gestures;
- h) Intimidating or hostile acts;
- i) Sexual jokes and innuendos either verbal, textual, graphic or electronic or by any other means or action;
- j) Verbal abuse of a sexual nature;
- k) Physical confinement of any employee and/or any other act likely to violate her/his privacy.
- l) Commentary about an individual's body, sexual prowess or sexual deficiencies;
- m) Leering, whistling or touching or brushing against any part of the body and the like of an employee;
- n) Using voicemail, e-mail or other technology to communicate harassing messages;
- o) Any other unwelcome physical, verbal or nonverbal conduct of sexual nature.

NOTE: Harassment does not refer to occasional compliments or other generally acceptable social behaviour.

VIII. **"Workplace"**, in relation to an employee, means any place where an aggrieved woman or defendant or both is/are employed, deployed or work(s) or visit(s) in connection with work during the course of or arising out of employment at Ananta Aspen Centre.

Explanation:

Any act of a person in charge of the management using the authority to exploit the sexuality or sexual identity of a subordinate employee in a manner which prevents or impairs the employee's full utilization of employment benefits or opportunities. It also includes behaviour that covertly or overtly uses the power inherent in the status of the person to affect negatively an employee's work experience or career opportunities and/ or to threaten, coerce or intimidate an employee to accept sexual

advances or making employment decision affecting the employee or create an intimidating, hostile or offensive working environment that may be humiliating and may constitute a health and safety problem.

Any unwelcome sexually determined behaviour, whether directly or by implication or request for sexual favour, or other verbal or physical conduct with sexual overtones directly or by implication, particularly when submission to or rejection was capable of being used for effecting the employment of employee and unreasonably interfering with work performance and had the effect of creating an intimidating working environment for her.

Where any act is committed against any employee and such person has a reasonable apprehension that it can be humiliating, or it will lead to discrimination and the employee has reasonable grounds to believe that any objection would disadvantage her / him in connection with her/ his employment or recruitment or promotion and it would result in adverse consequences if she/ he does not consent to the unwelcome conduct or raises any objection will constitute an act of sexual harassment.

## **5. INTERNAL COMPLAINTS COMMITTEE (ICC) - CONSTITUTION AND DUTIES**

An ICC will be constituted by Ananta Aspen Centre as a forum for redressal of grievance of sexual harassment reported by an aggrieved employee;

It will be the endeavour of the Committee to formalize and publicize complaint procedures that are easy and non-threatening to an aggrieved employee with the assurance of confidentiality.

## **6. NUMBER OF MEMBERS OF INTERNAL COMPLAINT COMMITTEE**

- I. An ICC shall be constituted centrally at Secretariat and will take care of complaints, if any, for each office of the organisation in India. The composition of the ICC is at Page 9 as Annexure to the policy;
- II. Members shall be appointed by way of nomination by the Founding Trustee & CEO, Ananta Aspen Centre
  - a) ICC shall be constituted with not less than five members to deal with complaints of sexual harassment at the workplace;
  - b) A woman employed at a senior level at the workplace from amongst the employees will be appointed as Chairperson of the Complaint Committee;
  - c) Not less than two members from amongst the employees to constitute adequate representation;
  - d) One member from non-governmental organization or associations committed to the cause of women or person familiar with the issued relating to sexual harassment; shall be a member.

- III. **Composition of Male & Female Members:** The Complaint Committee will have the members in such a manner so that not less than half of its members are women and shall be headed by a woman.
- IV. **Tenure of Members:** Members of the ICC shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified at the time of nomination/ appointment. If a member of ICC is junior in the hierarchy of the organisation to the defendant then for that particular case that member may be substituted on the ICC.
- V. **Cessation of Membership:** If any member of the ICC, who is in employment of the organization, leaves the employment or is discharged, dismissed, terminated or suspended from his or her services, then automatically he/she will cease to be the member of the ICC.

The organization will nominate another person as a member in place of such a member within 90 days.

## 7. FUNCTIONS OF THE COMPLAINT COMMITTEE

- I. **General and Emergency Meeting:** The Complaint Committee shall hold one general meeting in one year. However, in case, it receives any complaint pertaining to matter of sexual harassment, then the Committee shall be competent to proceed with the investigation accordingly.
- II. **Quorum of Members for Holding Meetings:** The minimum number for quorum for holding any meeting of the Committee shall not be less than three members, provided in every meeting the presence of the outsider member belonging to NGO or legal expert person, who is familiar with the issue of sexual harassment, is necessary. However, during preliminary enquiry, outsider member belonging to NGO or legal expert person may not be required.

## 8. PROCEDURE FOR DEALING WITH THE COMPLAINT

- I. Responsibility of the Employee
  - a) Any employee who believes that he or she has been subjected to sexual harassment by way of actions or words by a manager, supervisor, colleague, customer, client, volunteer, trainee, sponsor, intern or any other person who is connected with the workplace, has a responsibility to lodge a written complaint at the earliest instance;
  - b) Such complaint should be made to the direct reporting manager or the Human Resources (HR) Department or the ICC or to any of its members;
  - c) Employees who are aggrieved by such acts of harassment may complain to their colleagues, superiors, who in turn shall without delay forward the said complaint to the Committee for remedial measures and enquiry;
  - d) A complaint can also be sent by mail or made on phone. In case of an oral complaint, the Committee shall record the same and shall have the complainant sign the same.

## II. Conciliation:

The ICC may, before initiating inquiry and at the request of the aggrieved employee take steps to settle the matter between the complainant and the respondent through conciliation, provided that no monetary compensation shall be made as basis of conciliation. If the settlement is arrived at, this will be recorded and forwarded to the management of Ananta Aspen Centre. No further investigation will be conducted in such case which will be deemed to be settled.

## III. Investigation Procedure

- e) On receiving such complaint by any of the executive member of Committee, an emergency meeting of the committee shall be called wherein the statement of the aggrieved employee shall be recorded in the first instance;
- f) The committee shall also recommend to the management if any interim remedial measures can be taken to distance the complainant from the defendant to prevent further harassment at the workplace;
- g) The complaint by the aggrieved person should contain all material and relevant details concerning the alleged sexual harassment including the name of Aggressor, the nature of the harassment, the dates and details of the incidents etc;
- h) Strict confidentiality of the complaint, complainant and the defendant shall be maintained within the organization during the enquiry;
- i) Where the act of sexual harassment amounts to an offence under Indian Penal Code of any other Act in force, then on receiving the complaint, the complainant will be informed by the Complaint Committee of her right to initiate action under said Act, if the complainant so desires;
- j) On receiving a complaint of sexual harassment, the Complaint Committee shall conduct an enquiry into the complaint by interviewing the complainant and defendant and any witnesses, determining if there are individuals with direct or indirect information regarding the complaint, and, if so, by interviewing them or by obtaining information from such other persons and making such enquiries as it thinks fit;
- k) The complainant and the defendant may be allowed to be represented by a co-employee in the enquiry but shall not be allowed to be represented by any outsider;
- l) The committee shall at the outset serve the notice of the enquiry along with a copy of the complaint and the charges upon the defendant. The defendant shall also be provided with copies of all documents and materials relied upon by the complainant in her statement of charges;
- m) Thereafter, the committee shall record the testimony of the complainant in the first instance. The Defendant shall be afforded full opportunity to rebut and cross-examine the complainant on the charges levelled against him;
- n) The complainant may also produce other witnesses, which may include outsiders with the permission of the committee;



- o) After the conclusion of the complainant's evidence, the defendant shall be given opportunity to lead his evidence in defence;
- p) Likewise, the complainant and/or her representative shall have opportunity to cross-examine the defendant as well;
- q) The entire record of the enquiry proceedings including statements of the witnesses, cross examinations, averments and arguments made during the enquiry shall be reduced in writing and all parties present at the enquiry shall sign the same and be given a copy thereof for their records;
- r) After the conclusion of the enquiry the Committee shall prepare a written report giving detailed reasons for its findings and conclusions;
- s) A copy of the said report shall be submitted by the Committee to the Ananta Aspen Centre Founding Trustee & CEO, who shall deal with the issue thereafter;
- t) The Complaint Committee shall be free to adopt its own procedure for carrying out the enquiry on the basis of natural justice, equity and fair play so that no prejudice is caused to either party. Keeping in mind the sensitive nature of proceedings, the same shall be conducted expeditiously and without any unreasonable delay.

#### IV. Withdrawal of the Complaint

If at any stage, after the filing of a complaint and during any proceedings in respect of it under these rules by the Complaint Committee, the aggrieved employee wishes to withdraw the complaint, then she shall have the right to withdraw the complaint and the Complaint Committee shall permit her/him to withdraw the complaint and if an enquiry has commenced, then the Complaint Committee shall discontinue the enquiry without giving any findings or conclusions on merit.

If it is brought to the notice of the Complaint Committee or the Committee is of the opinion that, pressure is being brought on the complainant or the witnesses to withdraw their statements or not go through with the complaint then the committee will record the same and offer remedial recommendations to the management.

#### V. Other Advisory Functions

The ICC will advise the management, that it shall promote and facilitate measures in the establishment for prevention of sexual harassment at the workplace;

Ensure a safe work environment free from sexual harassment including prevention and deterrence.



## **ANNEXURE**

(Refers Para 6 of the policy) INTERNAL COMPLAINT COMMITTEE:

1. An ICC has been constituted centrally at Secretariat and this Committee will be the nodal agency for dealing with any complaints of Ananta Aspen Centre employee related to sexual harassment for all offices of the organisation in India.
2. Composition: As per the provisions of the policy, the following members have been nominated by the Founding Trustee and CEO for tenure of 3 years:
  1. Ms Prerna Bountra, Assistant Director, Presiding Officer, ICC
  2. Ms Roshni Kerketta, Assistant Director, Member, ICC
  3. Mr Amit Joshi, Assistant Director, Member, ICC
  4. MS Vinati Kastia Kilambi, Senior Partner, AZB & Partners, Member, ICC (External Member)

### **Ombudsman**

Ms Charu Jishnu, Assistant Director, ICC