

# **The Policy to Prevent and Deal with Sexual Harassment**

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<b>Approved by</b>	<b>:</b>	<b>Ombudsperson</b>

## 1. Objective

This policy is in compliance with and incorporates provisions of **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”)**. The objective of the Act is the protection of women at the work place from any form of overt or covert sexual harassment by providing a redressal mechanism that is time bound and equitable.

The company has zero tolerance towards any kind of verbal, psychological, physical offence/act/conduct of a sexual nature by any employee or partner/ vendor or any other stakeholder that directly or indirectly creates an intimidating, offensive, or hostile environment and will take all steps to deal with complaints effectively and quickly.

## 2. Scope & application

This policy applies to complaints of Sexual Harassment by an employee or third party who is associated with the company in any form at its Workplace, regardless of whether the alleged incident (s) or offence (s) has/have occurred in or outside the Bharti office premises.

Workplace shall include:

- i. All offices or other premises where the Company’s business is conducted.
- ii. Any place visited by the employee arising out of or during the course of employment including transportation provided by the Company.
- iii. Any social, business or other functions organized by the Company.

## 2.1 Policy and exceptions

No person should be subjected to any form of unwanted and unwelcome behavior or conduct with sexual overtures or overtones, directly or indirectly, either physically, verbally or in writing.

There are no exceptions to this policy.

## 3. Definitions

**Sexual Harassment** – includes but is not limited to any of the following acts or behavior, whether direct or indirect that is unwelcome to the intended recipient.

- i. Sending or displaying text or visual messages of a sexual nature from any device.
- ii. Inappropriate comments, jokes etc, threats, gender specific abusive language
- iii. Physical contact against a persons' wishes
- iv. Call, stalk, intimidate or pursue anyone against such person's wishes
- v. Invite or interact with by compelling any person in the social media
- vi. Demanding favours for professional advancement
- vii. Using threats or creating a hostile and unpleasant work environment that may impact a person's ability to work in a hassle free Workplace

**“Complaint”** means a voiced objection or the allegation by the Complainant or any other person (whether in writing or oral) of sexual harassment by the Respondent that forms the basis of an investigation under this policy.

**“Complainant”** means the person (s) against whom an incident (s) of sexual harassment has been allegedly committed.

**“Respondent”** means a person against whom a complaint of sexual harassment has been made/filed.

#### **4. Internal Complaints Committee (ICC)**

As required under the Act, the Company has constituted Internal Complaints Committees (region wise) that will investigate all complaints of sexual harassment. The name of the members of each of the committees, along with contact details will be displayed on the notice boards of the various offices and also on the company’s website. Complaints may be filed with the office of the Ombudsperson or the regional committee in which the incident is alleged to have taken place. For example, if the complainant is located in Delhi, the complaint may be filed with the ICC (North) or with the office of the Ombudsperson.

The members of the ICC shall hold office for a period of three years and the company will nominate another person to replace a member who vacates office for any reason including resignation from the company’s service. The company has also appointed an external member who is from a recognized Non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

#### **5. Procedure for making and handling of complaints and enquiry**

The Procedure for dealing with complaints shall be as follows:

- a) A complaint may be made orally but preferably in writing by the Complainant within 3 months of the alleged incident or the last of such incidents, as applicable and may be extended by the ICC for just cause.
- b) The ICC may before initiating an inquiry, on a request from the complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation. No

- monetary settlement shall be made on this basis. When the parties have agreed on a settlement, the relevant ICC shall record the same, copies of which shall be provided to both parties and take suitable action in terms of the settlement. The matter will then be treated as closed and no further enquiry shall be conducted.
- c) If the settlement is not complied with for any reason, or a settlement is not reached between the parties, the ICC shall proceed with an inquiry, allowing both the parties to explain their case as well as submit any evidence in support of their statements.
- d) During an inquiry the ICC may recommend any interim relief to the complainant if a written request is received including :
- i. transfer of the complainant or the Respondent to any other location; or
  - ii. grant leave to the complainant up to a period of three months that will be in addition to any other entitled leave
- e) For the purpose of making an inquiry, the ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-
- i. summoning and enforcing the attendance of any person and examining on oath;
  - ii. requiring the discovery and production of documents/records; and any other matter which may be prescribed
- f) On completion of the inquiry, the ICC shall send a report on the findings to the business head within 10 days and the relevant extract or a summary of the findings shall be given to the complainant and Respondent. An opportunity will also be

provided to the concerned parties to make representations to the committee if either or both do not agree with the findings.

- g) If the allegations are established after due process and investigation, ICC will make a detailed report that will include a recommendation, depending on the nature and seriousness of the offence, the recommendations will be sent to the business leadership for implantation in terms of the consequence management policy of the company, applicable and may include without limitation, the following. :-
- i. A warning letter to be issued in writing
  - ii. Deferment of increment or promotion
  - iii. Transfer, termination or resignation
  - iv. Deduction of a sum, from the salary of the Respondent as deemed appropriate by the ICC depending on the facts of each case, such sum shall be paid to the complainant
  - v. If the Company is unable to make such deduction from the salary of the Respondent due to absenteeism, cessation of employment, etc. the ICC may direct to the Respondent to pay such sum to the complainant and if such payment is not made, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer
- h) The company shall act upon the recommendation within sixty days of its receipt.
- i) If the complaint is not substantiated, a report of the same will also be sent by the ICC to Business for records.

## **6. Punishment for false or malicious complaint and false evidence**

If the ICC concludes that the allegations were malicious or frivolous, it may after due enquiry, recommend action against the Complainant that may include deferment of annual increment, promotion, warning letter, transfer or resignation. Mere inability to substantiate a complaint or lack of adequate proof will not be held against complainant.

## **7. Confidentiality**

All matters and proceedings relating to the Complaint including the identity of the Complainant and Respondent shall remain strictly confidential and will not be disclosed except to a competent court or a governmental agency that has the right under the law and regulation to obtain such information. However, the recommendation of the ICC and its implementation may be intimated on a need to know basis for cause. Any person who breaches the confidentiality requirement shall be penalized.

## **8. Revision of recommendations**

Any person who does not agree with the recommendations made or non-implementation of such recommendations may prefer an appeal before the Court of competent jurisdiction, as per Rules.

## **9. Assurance against Retaliation**

Employees are encouraged to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about Sexual Harassment or behavior that might constitute Sexual Harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions.

## 10. Third Party involvement

Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the company will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

## 11. Penal Consequences under the Indian Penal Code (IPC)

Conduct that may be construed as sexual harassment not only violates the Prevention of Workplace Sexual Harassment Act, but also could constitute an offence under the IPC. Listed out below are the key offenses under the IPC that could be triggered in a case of sexual harassment.

S.No.	Section #	Offence	Punishment	Cognizable/ Non- Cognizable
1	354	<b><u>Outraging the modesty of a woman</u></b> Assault or use of criminal force to any woman, intending to outrage or knowing it to be likely that modesty would be outraged.	Simple/ Rigorous Imprisonment for a term which shall not be less than one year but which may extend to five years; and fine.	Cognizable
2	354-A	<b><u>Sexual harassment by a man</u></b> (i) Physical contact and advances involving unwelcome and explicit sexual overtures; (ii) Demand or request for sexual favours; (iii) Showing pornography against the will of a woman; or (iv) Making sexually coloured remarks.	Offences (i), (ii) and (iii) are punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both. Offence (iv) is punishable with simple/ rigorous imprisonment for a term which may extend to one year, or with fine, or with both.	Cognizable
3	354-B	<b><u>Assault or use of criminal force to woman with intent to disrobe</u></b> Assault or use of criminal force to any woman or abetment of such act with the intention of disrobing or compelling her to be naked.	Simple/Rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years, and fine.	Cognizable



4	354-C	<b><u>Voyeurism</u></b> Watching, or capturing the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image.	First conviction: Simple/ Rigorous imprisonment for a term which shall not be less than one year, but which may extend to three years, and fine. Second or subsequent conviction: Simple/ Rigorous imprisonment for a term which shall not be less than three years, but which may extend to seven years, and fine.	Cognizable
5	354-D	<b><u>Stalking</u></b> Following a woman and contacting, or attempting to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or Monitoring the use by a woman of the internet, email or any other form of electronic communication.	First conviction: Simple/ Rigorous imprisonment for a term which may extend to three years, and fine. Second or subsequent conviction: Simple/ Rigorous imprisonment for a term which may extend to five years, and fine.	Cognizable
6	509	<b><u>Insulting the modesty of a woman</u></b> Uttering any word, making any sound or gesture, or exhibiting any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by a woman, with an intention to insult her modesty, or intruding upon the privacy of such woman.	Simple imprisonment for a term which may extend to three years, and fine.	Cognizable

## 12. Modifications

Management reserves the right to modify or terminate this policy without prior notice.

## 13. Policy owner

This policy is owned by the Ombudsperson, Bharti Enterprises  
Contact details: [ombudsperson@bharti.in](mailto:ombudsperson@bharti.in)

## 14. Policy status

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