

HUBTOWN

HUBTOWN POLICY

ON

PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

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HUBTOWN

POLICY : PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE

I. INTRODUCTION

Respect for the dignity and worth of each individual is a basic tenet of Hubtown Group of companies. Each individual has the right to work in an environment conducive to equal opportunity and free from discriminatory practices.

Hubtown is committed to providing its employees with a supportive and healthy work environment and this includes a workplace that is free from sexual and other unlawful harassment. Under corporate compliance, sexual or other unlawful harassment occurring at workplace at any Hubtown group company is prohibited.

II. OBJECTIVES

This Policy is designed to ensure zero tolerance towards verbal, psychological conduct of a sexual nature by any employee or stakeholder that directly or indirectly harasses, disrouts or interfaces with another's work performance or that creates an intimidating, offensive, or hostile environment.

This Policy is designed to assist you to prevent sexual harassment from occurring within your own workplace. It sets out definition of sexual harassment, and complaints redressal procedures. The Policy also details your own responsibility to ensure that nothing you do could be interpreted as offensive behaviour or as sexual harassment.

III. APPLICABILITY

This Policy applies to all employees and consultants including trainees (whether in the office premises or outside at Project Site or on assignment) of Hubtown and its group companies including any associate engaged on fixed term contract, short term engagement, temporary, trainees, contract persons and visitors on our premises. It shall also include any unwelcome behavior of a sexual nature mentioned in the policy by any Vendor/Supplier/Contractor including their agents, supervisors, manager and their employees to any of our employees on our premises.

IV. DEFINITION

Sexual harassment would mean and include any of the following :

- a. unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards anu company activity;
- b. unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual's sensibilities and affect his/her performance;
- c. eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- d. act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
- e. conduct of such an act at work place or outside in relation to an employee of Hubtown, or vice versa during the course of employment; and
- f. any unwelcome gesture by an employee having sexual overtones.

The above mentioned list is illustrative and not exhaustive.

V. RESPONSIBILITIES

1. Individual (Victim)

- a. tell the offender directly or in writing that his/her behaviour is offensive and unwelcome and request that it must stop immediately;
- b. if you feel you are unable to do this, discuss this with your immediate superior or contact any member of the Complaints Committee (at this stage, the complaint may be formal or informal. This is your choice. If you wish to proceed with a formal complaint, you will need to follow the formal complaints process);
- c. always keep a written, dated record of events (date time, location, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember details over time, in case the complaint is not filed immediately; and
- d. don't delay. File a complaint as soon as possible. If, after asking the accused to stop his/her behaviour, the harassment continues, report the abuse to the Complaints Committee formed for this purpose.

2. Co-employee

All employees are expected to respect the rights of others and never encourage harassment. If an employee becomes aware that a fellow employee is being harassed, he or she can help prevent it by offering support to the person being harassed. This can be done by :

- Offering to act as a witness if the person being harassed decides to report the incident; and
- Refusing to join in any harassing activity.

It is not a fellow employee's responsibility to say anything to the alleged harasser or to spread rumours about someone. If any employee takes part in spreading rumours, he/she may be subject to disciplinary and/or defamatory action.

3. Individual (Offender)

- a. change your behaviour;
- b. apologize as soon as possible;
- c. educate yourself about policy on sexual harassment;
- d. don't assume others will tell you when they feel offended or harassed by what you say or do;
- e. examine how others respond to what you say and do; and
- f. consider how your behaviour affects other's self-esteem or attitudes towards their work or education.

VI. COMPLAINTS COMMITTEE

The Complaints Committee shall consist of the following :

Sr. No.	Name	Designation
1.	Mrs. Maya Vaidya	Chairperson
2.	Ms. Geeta Menon	Member
3.	Ms. Madhavi Degaonkar	Member
4.	Col. H. Kundu	Member

It is imperative that the members of the Committee shall remain neutral and unbiased. At any time three members must be present, two of whom shall always be female members to hear any complaint.

The Complaint Committee shall be responsible for :

- Investigating every formal written complaint of sexual harassment;
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment; and
- Discouraging and preventing employee related sexual harassment.

VII. COMPLAINTS PROCEDURE AND REDRESSAL MECHANISM

1. Filing the complaint

A complaint should be filed promptly if an instance of harassment has occurred or is expected to occur. **Unless good cause exists, complaints must be filed not later than 60 calendar days after the harassment occurs.**

The complainant shall be informed of both the informal and formal complaint redressal procedure options.

2. Conciliation

On a complaint of sexual harassment made either informally or formally with either a superior or any member of Complaints Committee, the focus will be on conciliation as the preferred model for the resolution of the complaints.

3. Informal Complaints

Informal ways of dealing with sexual harassment can include the following actions :

- You may wish to deal with the situation yourself but also wish to seek advice on possible strategies from your superior or member of the Complaints Committee;
- You may ask your superior or the member of the Complaints Committee to speak to the alleged offender on your behalf. The superior or the member of the Complaints Committee will privately convey your concerns and reiterate sexual harassment policy without assessing the merits of the case.
- A complaint is made, the offender admits his guilt, and the complaint is resolved through conciliation or counseling of the offender; and
- The superior or the member of the Complaints Committee observes unacceptable conduct occurring and takes independent action even though no complaint has been made.

All efforts to resolve complaints informally should be made promptly and within 30 working days of the date of receipt of the complaint.

If acceptable solution is not reached, or is not likely to be reached, within 30 working days or otherwise in a manner necessary to promptly and effectively correct harassment, the complainant may determine to resolve the matter through formal complaint procedure.

4. Formal Complaints

This procedure works on the premise that informal resolution of the grievance has been unsuccessful or is inappropriate.

- A formal complaint of sexual harassment will need to be in writing and should be made to the Chairperson of the Complaints Committee.
- The complainant should include details of the incident(s), the name(s) of the person(s) alleged to have engaged in the conduct complained of, the name of any witnesses, and all relevant documents;
- A copy of such written complaint shall also be provided to the alleged offender.
- All complaints shall be investigated by any member of the Complaints Committee and based on the outcome of the investigation; the Chairperson will then submit a confidential written report to the Management.
- **The Complaints Committee shall commence the investigation within ten working days from the date of receipt of formal complaint and the investigation shall be completed and report prepared as soon as possible but in any case not later than 30 working days from the date of receipt of the complaint.** This is based on the principle – ‘Justice delayed is Justice denied’.
- The Complaints Committee shall ensure that the investigation is carried out in a just and fair manner.
- Both, the complainant and the alleged offender initially will be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- If the Chairperson of the Committee find that the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, he/she will record this finding with reasons and communicate the same to the complainant.
- The Chairman / Managing Director will then take appropriate remedial and/or disciplinary action.
- All parties to the complaint will be advised of the outcome.

VIII. PRINCIPLES

The Complaints Committee shall bear in mind that :

- Everyone has a right to be treated with respect;
- Everyone has a right to ‘due process’ i.e. the offender shall be provided with an opportunity of being heard and defend himself/herself;
- Complaints will be treated in confidence and where confidentiality cannot be guaranteed, this will be clearly indicated;
- There might be no eyewitnesses. The Committee may have to resolve a sexual harassment claim based on the credibility of the parties involved;
- Circumstantial evidence also would play an important role in the decision making process by the Committee.

IX. CONFIDENTIALITY

An accusation of sexual harassment can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. Every reasonable effort shall be made to protect the privacy of the complainant, the accused and the witnesses in the investigation and resolution process, subject to the need to conduct a full and impartial investigation, remedy violations, monitor compliance, and administer this Policy.

Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

X. CORRECTIVE ACTION

Corrective action, based on the circumstances of the case, may include disciplinary action towards the person whose conduct is found to violate this Policy. Disciplinary action may include, but is not limited to, verbal warning, written warning, suspension order, transfer, reduction in grade/rank, withholding of increment and/or promotion or even dismissal. Other forms of corrective action may be taken to the extent necessary to correct or prevent violation of this Policy.

This action shall be in addition to any legal recourse sought by the complainant.

XI. RETALIATION

Regardless of the outcome of the complaint made in good faith, the employee lodges the complaint and any person providing information or any witness, shall 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 offender. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the offender against the complainant while the investigation is in progress should be reported by the complainant to the Complaints Committee as soon as possible.

Retaliation in any form against a complainant who exercises his or her right to make a complaint under this Policy is strictly prohibited, and will itself be a cause for appropriate disciplinary action.

XII. 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, each and every employee has 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 Hubtown and to settle personal/professional scores, strict disciplinary action will be taken against the complainant which may include but not limited to withholding promotion, increment, reduction in Grade/ salary scale. 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.

XIII. DOCUMENTATION

The Complaints Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof, which shall be kept strictly confidential. The incident would be documented in both the complainant's file and the offender's file with full report of the Complaints Committee.

XIV. DISSEMINATION OF THE POLICY

A copy of this Policy will be made available on intranet. It shall be the duty of each employee to read the Policy carefully and abide by the same.

XV. DOs AND DONTs FOR MEMBERS OF THE COMPLAINTS COMMITTEE

- Believe in the reality of the complaint lodged.
- Empathize with the complainant. Do not function like a criminal court.
- Remember that it may be difficult for an employee to talk about anything 'sexual'. Hence there may be a time lag between occurrence of harassment and the actual filing of a complaint.
- Handle complaints in a confidential manner.
- Provide safety to the complainant and his/her supporters.
- Recommend action against persons indulging in intimidation of the complainant or eyewitness to the complaint.
- Do not insist on detailed description of harassment as this could increase the complainants trauma.
- Most sexual crimes are committed in isolation. Hence there may not be any eye witnesses.
- Help the complainant regain his/her self respect.
- Make 'discreet' enquiries as to whether other employees have experienced similar problems.
- Not to entertain any anonymous complaint.
- Document results of any sexual harassment complaint or investigation. Also document the corrective action that the employee or supervisor was asked to take.

- Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.
- The failure to substantiate a complaint or provide clinching evidence does not automatically attract action against the complainant.

XVI. AMENDMENT

The management reserves the right to make suitable amendments to this Policy from time to time in order to keep attuned to regulatory changes, if any.

CHECK LIST / FORMAT FOR REPORTING FINDINGS

Sr. No.	Item	Remarks
1.	Date of receipt of complaint	
2.	Name and contact details of complainant	
3.	Date and location of incident	
4.	Brief description of the complaint	
5.	Name and contact details of the alleged offender	
6.	Complaints Committee Members in Investigation team	
7.	Dates of Investigation > Start date > End date	
8.	Documents referred / verified / collected	
9.	Analysis / Observations of the Complaints Committee team	
10.	Conclusion	
11.	Recommendations of the Complaints Committee Investigation team.	