

NEWGEN IT TECHNOLOGIES LIMITED

(Formerly VCARE Infotech Solutions and Services Pvt Limited)

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Policy on Prevention, Prohibition and Redressal of Sexual
harassment at the Workplace
(POSH POLICY)

Version History:

Sr. No.	Version No.	Date	Version Details	Person
1	1.0		Initial Draft	Team

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1. INTRODUCTION AND OBJECTIVE

As a Company, we are committed to conducting and governing ourselves with ethics, transparency and accountability and to this, we have developed governance structures, practices and procedures that ensure that ethical conduct at all levels is promoted across our value chain. We are dedicated to ensure that the work environment at all our locations is conducive to fair, safe and harmonious relations, based on mutual trust and respect, between all the associates of the Company. Discrimination and harassment of any type is strictly prohibited. We wish to promote and maintain this culture to ensure that associates of the Company do not engage in practices that are abusive in any form or manner, whatsoever.

The Company aims to provide a safe working environment and prohibits any form of sexual harassment to all employees. Hence, any act of sexual harassment or related retaliation against or by any associate is unacceptable. This policy therefore, intends to prohibit such occurrences and also details procedures to follow when an associate believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding Sexual Harassment.

- 1.1. NewGen IT Technologies Limited (herein after referred as “**the Company**”) is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company, have the right to be treated with dignity.
- 1.2. Sexual harassment at the workplace or other than work place is a grave offence and is, therefore, punishable.
- 1.3. The Ministry of Law and Justice, Government of India, has passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (**Act**) with the avowed object of providing protection/prevention against sexual harassment of women at the workplace. The Act further provides for the redressal of complaints of sexual harassment.
- 1.4. This policy is in compliance with the provisions of the Act. It is also in keeping with our commitment to the adoption of best practices.

2. SCOPE

This Policy extends to all categories of employees of the Company, including permanent management and workmen, temporaries, consultants, trainees and employees on contract at their workplace or at client sites and is deemed to be incorporated in the service conditions of all stakeholders and comes into effect immediately.

3. DEFINITIONS

- **Sexual harassment** - Sexual harassment would mean and include any of the following (in addition to the meaning provided under section 2 (n) of the Act):
 - (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 any company activity;
 - (b) 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;
 - (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 an environment at the workplace that is hostile or intimidating to a person belonging to the other sex;
 - (e) conduct of such an act at workplace or outside in relation to stakeholders of the Company, or vice versa during the course of employment; and
 - (f) any unwelcome gesture having sexual overtones.

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

- Implied or explicit promise of preferential treatment in the employment
- Implied or explicit threat or detrimental treatment in the employment
- Implied or explicit threat about the present or future employment status
- Interference with the work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety

An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy

- **Aggrieved Individual** - An Aggrieved Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

- **Complainant** - A Complainant is any Aggrieved Individual (if the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- **Employee** - An Employee means a person employed with the Company for any work on permanent, temporary, part time, ad hoc or daily wage basis, either directly through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- **Respondent** - A Respondent means the person against whom the Complainant has made a complaint.
- **Special Educator** - A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.
- **“Workplace”** includes:
 - (a) All offices or other premises where the Company’s business is conducted.
 - (b) All company-related activities performed at any other site away from the Company’s premises.
 - (c) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

4. INTERNAL COMPLAINTS COMMITTEE

- 4.1. A Complaints Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Board may constitute such other committees as may be required for the purposes of the Act at the various locations of the Company.
- 4.2. Initially, and till further notice, the Complaints Committee will comprise of the following members:
 - (a) Presiding Officer who shall be a woman employed at a senior level at workplace amongst the employees.
 - (b) At least two members from amongst employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge.
 - (c) One member from amongst NGO or associations committed to cause of woman or any professional or a person familiar with the issues relating to sexual harassment.

Out of the aforesaid, at least one-half of the total members so nominated being women.

- 4.3. You may reach the Committee and report the matter to email id: singh.shambhavi@newgenit.com

5. PROCESS

- Complaint of Sexual Harassment

- i. A Complainant can make, in writing, a complaint of Sexual Harassment to the Internal Complaints Committee (ICC), 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. The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.
- ii. If the Aggrieved Individual is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:
 - a) her relative or friend; or
 - b) his/her co-worker; or
 - c) an officer of the National Commission for Women or State Women's Commission; or
 - d) any person who has knowledge of the incident, with the written consent of the Aggrieved Individual
- iii. If the Aggrieved Individual is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by:
 - a) her relative or friend; or
 - b) a special educator; or
 - c) a qualified psychiatrist or psychologist; or
 - d) the guardian or authority under whose care he/she is receiving treatment or care; or
 - e) any person who has knowledge of the incident jointly with the Aggrieved Individual's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care
- iv. If the Aggrieved Individual for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with his/her written consent.
- v. If the Aggrieved Individual is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.
- vi. The Complainant shall submit six copies of the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses.
- vii. The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.

- viii. At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.
- ix. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, where after, an enquiry shall be conducted and concluded.
- x. In the event, the investigation leads that the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof in writing.

In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management

- Conciliation

Prior to initiating an inquiry, the ICC may, at the request of the Complainant take steps to settle the matter between the Complainant and the Respondent through conciliation, provided that no monetary settlement is made the basis of such conciliation.

In case a settlement has been arrived at the ICC shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation of the ICC. The ICC will provide copies of the settlement as recorded to the Complainant and the Respondent. Upon a conciliation being reached, the ICC would not be required to conduct any further inquiry.

- Inquiry

- i) Subject to the above and in the event of any term or condition of the settlement not been complied with by the Respondent, the ICC shall conduct an inquiry regarding the complaint.
- ii) On receipt of the complaint, the ICC shall send one of the copies received from the Complainant to the Respondent within a period of **seven working days**.
- iii) The Respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period **not exceeding ten working days** from the date of receipt of the documents.

- iv) The ICC shall make an inquiry into the complaint in accordance with the principles of natural justice. The ICC must notify in writing, the time and dates of its meetings to the Company, the Complainant and the Respondent, not less than 5 days in advance of any such meeting.
- v) While conducting the inquiry, a minimum of three members of the ICC including the Presiding Officer or Chairperson, as the case may be, shall be present.
- vi) The ICC shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process.
- vii) The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the Chairperson or Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- viii) The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the complaints committee. However, they may be accompanied by a colleague for psychological or emotional support. Such colleague will not be permitted to speak at or otherwise interfere with the proceedings of the ICC.
- ix) All colleagues and witnesses who are part of the ICC proceedings will need to sign a confidentiality agreement
- ix) During the course of inquiry, the Complainant and the Respondent shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the ICC.
- x) The inquiry shall be completed **within a period of ninety days** from the date of receipt of the complaint.
- xi) The report of the committee shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.
- xii) The disciplinary action shall be commensurate with the nature of the gravity of the offence and shall include without limitation – Warning, written apology from offender, bond of good behavior, transfer, debarring from supervisory duties, denial of employee benefits like

increments/promotion/salary correction, etc., cancellation of specific work Assignment, suspension, dismissal.

6. OTHER POINTS TO BE CONSIDERED

- i. The Committee may recommend to the General Manager – HR action which may include transfer or any of the other appropriate disciplinary actions.
- ii. The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- iii. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- iv. The Committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to General Manager HR.
- v. In case the Committee find the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.

7. CONFIDENTIALITY

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential to protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

8. ACCESS TO REPORTS AND DOCUMENTS

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

9. PROTECTION TO COMPLAINANT / VICTIM

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

10. COMMITTEE TO SUBMIT ANNUAL REPORT

The committee in each year shall prepare an annual report and submit it to the employer. Annual report shall have the following details:

- a) Number of complaints of sexual harassment received in the year;
- b) Number of complaints disposed during the year;
- c) Number of cases pending for more than ninety days;
- d) Number of workshops or awareness programme against sexual harassment carried out;
- e) Nature of the action taken by the employer.