

Policy On Prevention of Sexual Harassment (PoSH)

**IIM LUCKNOW
ENTERPRISE INCUBATION CENTER
[IIML EIC]**

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IIM LUCKNOW ENTERPRISE INCUBATION CENTRE'S POLICY ON PREVENTION OF SEXUAL HARASSMENT (PoSH) OF WOMAN AT WORKPLACE

Introduction:

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Further, IIML EIC is a not for profit organization registered under section 8 and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees. Our success is based on our people. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination

POSH (Prevention of Sexual Harassment) is an act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment.

Objective:

IIML EIC will operate zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and will promptly investigate all allegations of sexual harassment. The objective of this policy is to define workplace sexual harassment and to provide the procedures the redressal of complaints pertaining to sexual harassment.

Scope:

This policy is applicable to all employees of the company (regular or on contract) in the office premises or any external location visited by the employees during the course of employment. It will be incorporated in the service employment contract of all the employees.

Definition

Sexual harassment may not only be limited to a person uses sexual behavior to control, influence or affect the career, salary or job of another person but also between co-workers. It may also occur between an employee and someone that employee deals with in the course of his/her work who is not employed by the company.

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

a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- i. Physical contact and advances;
 - ii. Demand or request for sexual favors;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vi. Giving gifts or leaving objects that are sexually suggestive;
 - vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - viii. Persistent watching, following, contacting of a person; and
 - ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- b) The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
- i. Implied or explicit promise of preferential treatment in employment;
 - ii. Implied or explicit threat of detrimental treatment in employment;
 - iii. Implied or explicit threat about the present or future employment status;
 - iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - v. Humiliating treatment likely to affect her health or safety

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman

“Aggrieved woman” is referred to a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the person against whom the aggrieved woman has made a complaint.

Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman

Workplace: In addition to the place of work [permanent office] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with IIML-EIC, including transportation provided for undertaking such a journey.

Internal Complaint Committee (ICC – PoSH)

At IIML EIC, management has constituted a committee known as “Internal Complaints Committee”. The internal Committee constitute the following members:

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| 1. Ms. Pooja Pandey | - | Chairman |
| 2. Ms. Swapna Verma | - | External Member |
| 3. Mr. Arunodaya Bajpayee | - | Member |
| 4. Ms. Shambhavi Singh | - | Member |

A complainant can approach any member of the committee with written complaint.

Redressal System

In compliance with the Act, if the complainant’s warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

IIML EIC will follow a zero-tolerance policy for any form of sexual harassment at work place where any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the internal committee within a period of 03 months from the date of incident and in case of multiple incidents, within the period of 03 months from the date of last incident.

In case the aggrieved woman cannot make the complaint in writing, the chairperson or any member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent:

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

Redressal Mechanism

Any aggrieved employee can report the incident in writing within 3 months from date of the sexual harassment to the Internal Complaint Committee. Before initiating the inquiry, internal committee at the request of the aggrieved woman may take steps to settle the matter between her and the respondent through conciliation. In the event the conciliation proceedings fail, the internal complaint committee required to conduct an inquiry & complete the same within 90 days from receipt of the complaint and thereafter publish its report with its recommendations within 10 days from completion of the inquiry. Further, the employer is bound to act on the recommendations of the report within 60 days of publication of the report.

Procedure:

Once the complaint is received by the Committee, following procedure has to be followed:

- 1) The person who is accused by the complainant will be informed that a complaint has been filed against him with the details of the allegation and also the name of the complainant (as it would be necessary for proper inquiry).
- 2) The complainant may ask for conciliation proceedings by having communication with the accused in the presence of the Committee provided that no monetary settlement shall be made as a basis of conciliation. If the matter has been settled by conciliation the internal committee shall record the arrived settlement and forward the same to the employer, but in case the respondent is not complying with the terms and conditions, the aggrieved party can approach the Committee for Redressal.
- 3) To investigate the inquiry, committee will question both the complainant and the alleged accused separately. In case of any mention of the witness, committee may call upon all the witnesses mentioned by both the parties. All witnesses need to provide the necessary information to assist in resolving the matter satisfactorily.
- 4) The committee can ask for specific documents, relevant information from both the parties if it feels that they are important for the purpose of investigation.
- 5) During the pendency of an inquiry complainant may ask for transfer or grant leave till the inquiry gets completed.
- 6) Within a period of 10 days from the date of completion of the inquiry, the internal committee shall provide a report of its findings to the concerned parties i.e. Employer, complainant & accused.
- 7) If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.
- 8) The employer will act on the recommendations of the Committee within 60 days of the receipt of the report.
- 9) Any party aggrieved by the report can prefer an appeal in the appropriate Court or Tribunal in accordance with the service rules within 90 days of the recommendation been given to the employer.

Disciplinary Action:

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant. 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.

During the inquiry if Internal complaint committee arrives at the conclusion that the:

- a) allegation against the respondent is malicious/ false or the aggrieved woman or any other person making the complaint has produced any false or misleading document, it may recommend to the employer to act against the woman or the person who has made the complaint.
- b) Any witness has given false evidence or produced any forged and misleading document, committee may recommend to the employer to act against him/her.

This policy shall be disseminated to each employee of the company as well as new recruits who will have to acknowledge that they have read and understood the policy and that they shall abide by the policy.

Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the IIML-EIC to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.