

POLICY ON PREVENTION OF SEXUAL HARASSMENT

Introduction/ Purpose:

At, **R N Malhotra and Anna R Malhotra Charitable Trust**, it is our desire to promote a healthy and congenial working environment irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protecting the dignity and respect of every individual. Therefore, we have zero-tolerance for sexual harassment, and any such act of sexual harassment will invite serious disciplinary action. This policy is meant to educate the employees about what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

The purpose of this policy is to prohibit instances of Sexual Harassment in the workplace, to address complaints and provide redress, set out procedures for resolution, settlement and/or prosecution for acts of Sexual Harassment.

Scope

This Policy is applicable to all employees of R N Malhotra and Anna R Malhotra Charitable Trust, a trust registered under the Public Trust Act ("Trust").

It applies to all Employees (as defined hereafter).

Definitions

Aggrieved Person – In relation to any workplace at the premises of the Trust and its operational areas, means a person of any age, employed by the organisation (organisation refers to the R N Malhotra & Anna R Malhotra Charitable Trust wherever it is used) who alleges to have been subjected to any act of sexual harassment by an employee of the organisation.

Employee – Employee for the purposes of this Policy, means any person employed by the Trust for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise, the terms of employment are express or implied, and includes a co-worker, a contract worker, probationer, trainee, apprentice, consultants, or called by any other such name. It includes regular full-time as well as part-time employees.

Workplace – includes the premises where the offices of the organization are located, as well as any place visited by the employee arising out of, or during employment, including transportation provided by the organization for undertaking such journey.

Sexual Harassment

Sexual Harassment shall mean and include any one or more of the following unwelcome acts of behaviour (whether directly or by implication):

- (a) Physical contact and advances; or
- (b) A demand or request for sexual favours; or
- (c) Making sexually coloured remarks; or
- (d) Showing pornography; or
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.



The following circumstances, amongst others, if they occur, regardless of time or premises where such act takes place in relation to or connected with any act or behavior of Sexual Harassment (as defined above), will also amount to sexual harassment.

- (a) Implied or explicit promise of preferential or detrimental treatment in the Aggrieved Person's employment; or
- (b) Implied or explicit threat about the Aggrieved Person's present or future employment status; or
- (c) Interference with the work of the Aggrieved Person, or creating an intimidating, offensive, or hostile work environment for the Aggrieved Person; or
- (d) Humiliating treatment that has adversely affected the Aggrieved Person's health or safety.

Examples/Instances of Sexual Harassment

Listed hereafter are examples of certain acts or conduct which, if unwelcome, will constitute Sexual Harassment:

- Unwelcome sexual advances, whether physical or not.
- Sexual jokes, comments, or references to sexual conduct, including gossip about someone's sex life or comments on their body or sexual activity.
- Displaying sexually suggestive objects, pictures, or cartoons.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, or suggestive comments.
- Any other sexually inappropriate remarks or behaviour that create an intimidating, hostile, or offensive environment for any employee, interfering with their ability to work, and dignity.
- The term sexual harassment is comprehensive whether mentioned in this document or not.

Responsibility

All Employees have the responsibility to report any act of Sexual Harassment to the Internal Complaints Committee ("ICC") of the Trust that they are the victims of, or that come to their knowledge, with the consent of the Aggrieved Person. If an Employee reports any act of Sexual Harassment to his/her manager/team leader/supervisor, they in turn, are duty-bound to pass the report of the same to the ICC.

Each manager has a duty to ensure that the employees in his team are comfortable reporting any complaint regarding Sexual Harassment, without fear of victimization or retaliation. A manager who becomes aware of Sexual Harassment shall report promptly the incident to the ICC, with the consent of the Aggrieved Person, and take appropriate corrective action to ensure that such conduct is immediately stopped.

Internal Complaints Committee (ICC)

- The organization has constituted an ICC to consider and redress complaints of Sexual Harassment. The ICC can be contacted at R N Malhotra & Anna R Malhotra Charitable Trust, C2/312 Charmwood, village, Surajkund, Faridabad, Haryana, 121009 or email ID info@yuvavidya.org
- The ICC shall consist of minimum 4 members. It will be presided over by a Trustee of the Trust, preferably a woman, and shall consist of one-half women members, and experts/ expert having experience of social and legal work, education and other fields of relevance to the activities of the Trust.
- The presiding officer of the ICC may invite any teacher, officer of the Trust or any other person/expert, to attend any specific meeting of the ICC as an advisor, whenever she or he deems it necessary to achieve the spirit of this order. Such a person shall not be a voting member of the ICC, but his/her advice will be considered by the presiding officer carefully while making decisions.
- Members of the ICC will have a tenure of three years, and they would be eligible to apply for another term with the approval of the Board of Trustees.

Complaints Redressal Mechanism

Any Aggrieved Person who has allegedly been sexually harassed, may either directly or indirectly (through a friend, relative, co-worker or manager), submit a complaint of the incident to the ICC, in writing, with her/his signature, within 3 months from the date of the incident and in case of a series of incidents, within a period of

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3 months from the date of the last incident. In certain rare cases, the ICC may grant an extension for a further period of 3 months for filing the complaint, if in its opinion, there are reasonable grounds for the delay. In the event, that an aggrieved Person makes a complaint to his/her manager/team leader, or to an HR official of the Trust, the concerned person must communicate the complaint to the ICC immediately.

1. The Presiding Officer or any Member of the ICC can render reasonable assistance to the person for making the complaint in writing, in case they are unable to do so.
2. On receipt of complaint, the ICC will decide the place and time for hearing the complaint and will intimate the date, time and place of hearing to the Complainant and Respondent. The ICC shall follow principles of natural justice while handling such complaints. Witnesses shall be duty-bound to attend the hearing along with proof.
3. Where the Aggrieved Person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by-
 - a) a relative or friend; or
 - b) a co-worker; or
 - c) any person who has knowledge of the incident, with the written consent of the aggrieved person. Such a complaint should be put up to the ICC.
4. ICC, on receipt of such written complaint, may, if required, ask the Aggrieved Person to furnish additional information about the alleged harassment.
5. The Aggrieved Person or person authorized on their behalf as per above provision, will be required to make a complaint to the ICC through the following mode:
 - a. Copy of complaint along with supporting documents and names and addresses of witness/ witnesses shall be sent to the ICC through the Managing Trustee of the R N Malhotra & Anna R Malhotra Charitable Trust at C 2/ 312 Belvedere towers, Charmwood village, Surajkund, Faridabad.
 - b. On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
 - c. Respondent shall file reply within 10 working days of receipt of the complaint along with relevant documents, names and addresses of witnesses.
 - d. ICC shall investigate the matter in detail. The ICC shall have the right to call the Respondent or any other witnesses as and when necessary.
 - e. ICC shall have the right to terminate the enquiry or give *ex-parte* decision on the complaint, if the Respondent or Complainant remains absent for 3 consecutive hearings, without sufficient cause.
 - f. The ICC will complete its investigation within a period of 90 days.
 - g. The parties will not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
 - h. For conducting the enquiry, the quorum of the ICC shall be of 3 members including the Presiding Officer.
6. The ICC may, before initiating an inquiry, and at the Aggrieved Person's request in writing, attempt to settle the matter through conciliation. Monetary settlement will not be the basis of conciliation.

Where a settlement has been arrived, the settlement terms will be required to be signed by both the parties who will be provided with a copy of it, and another copy will be forwarded by the ICC to the Organisation/ Board of Trustees.

Where, a settlement is arrived at as mentioned hereinabove, no further enquiry shall be conducted by the ICC, and the matter will stand closed.

7. The ICC during such investigation, has powers of a Civil Court to the extent of:
 - a. summoning and enforcing the attendance of any person and examining him/her under oath;
 - b. requiring discovery and production of documents; and
 - c. any other prescribed matter.
8. During such an enquiry, upon written request by the Aggrieved Person, the ICC may, at its discretion, recommend:
 - a. To transfer the Aggrieved Person or the Respondent to any other Workplace.
 - b. Grant leave on request of the complainant to the Aggrieved Person during the period of investigation up to one month, which is in addition to the leave to which she/he is otherwise entitled.

Provided, the Aggrieved Person tenders justified reasons for such transfer or leave, such as threat in the Workplace.

Punishment for Sexual Harassment

If the Respondent is found guilty of Sexual Harassment by the ICC, the ICC may recommend appropriate punishment to the accused in its report to the Board of Trustees, which may include:

- (i) Written apology.
- (ii) Warning, reprimand or censure.
- (iii) Withholding promotion.
- (iv) Withholding pay rise or increments.
- (v) Deducting a sum of money from the salary or wages of the accused, as deemed appropriate, to be paid to the Aggrieved Person.
- (vi) Directing the accused to pay such sum, as deemed appropriate, to the Aggrieved Person.
- (vii) Terminating the accused from service.
- (viii) Requiring the accused to undergo a counselling session.
- (ix) Requiring the accused to carry out community service; or
- (x) Such other sanctions as deemed appropriate considering the gravity of the offence.

Confidentiality

The Organization, the ICC, and the concerned persons including the Aggrieved Person, the accused, employees, and witnesses will be bound by confidentiality obligations, and any breach thereof may result in penalty. The complaint, statements and other evidence, including the identity of the Aggrieved Person, the accused, witnesses, any information relating to the inquiry proceedings, recommendations of the ICC, and action taken by the employer will not be published, communicated or made known to the public, press or media in any manner.

False/Malicious Complaints

False/malicious complaints will be dealt with strictly by the ICC. Where the ICC arrives at a conclusion that the allegation against the Respondent is malicious or false, the Aggrieved Person or any other person making the complaint has done so knowing it to be false or the Aggrieved Person or a Witness or any other person making the complaint has produced forged or misleading documents or false proof, the ICC may, as it deems fit, recommend action to be taken against the person, by the Board of Trustees. The recommended actions may include (but not be limited to) one or more of the following:

- (i) Written apology; or
- (ii) Warning, reprimand or censure; or

- (iii) Withholding of promotion; or
- (iv) Withholding of pay rise or increments; or
- (v) Termination; or
- (vi) Undergoing a counselling session.
- (vii) Carrying out community service; or
- (viii) Such other sanctions as deemed appropriate.

Mere inability to substantiate a complaint or provide adequate proof will not attract action against the Aggrieved Person or any other person who has filed the complaint.

General Clause

1. The Trust reserves the right to revise this Policy as and when deemed necessary. The Board of Trustees may make any alteration or amendment or rescind any of the clauses of this Policy as and when it deems necessary to do so. Any such alterations or amendments or rescinding will be intimated to the Employee.
2. In the event of any dispute or ambiguity in the interpretation of this Policy, the same will be determined by the Trust, whose decision shall be final and binding on the point.
3. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any Employee under any other Rules or Law.

Conclusion:

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, based on fundamental fairness, in an impartial and confidential manner to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be made to ensure objectivity, thoroughness, sensitivity and fairness throughout the process of investigation.

The identity and address of the Aggrieved Person, respondent and witnesses must not be published or disclosed to the public or media of any nature.

The decision of the Trust shall be final and binding on all. However, the same is without prejudice to any recourse that the Organisation/Trust or the individual concerned may have against such harassment and it shall not limit or restrict the rights of the Aggrieved Person and/or the charitable Trust to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

Behaviour of an employee in such cases of sexual harassment is the exclusive responsibility of the concerned employee. The responsibility of the Trust is to ensure that the ICC takes cognisance of such complaints without reasonable delay and investigate the matter efficiently, fairly and quickly and convey its decision to the management (Board of Trustees) of the trust.

The Trust may consult the Board of Advisors.

After this, the decision in the matter will be conveyed by the Trust to the concerned parties.



S. N. Malik
Life Trustee



Divya Malik Lahiri
Managing Trustee

For R N MALHOTRA & ANNA
R MALHOTRA CHARITABLE TRUST

TRUSTEE

