

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

This policy is in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 hereafter referred as Act. The policy is applicable for all employees of Rolta India Limited (hereinafter referred as Company and / or Rolta). The policy is effective 1st December 2014.

I. Definitions

I. Sexual Harassment

“sexual harassment” includes any one or more unwelcome acts or behaviour (whether directly or by implication) such as

- i. physical contact and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- i. implied or explicit promise of preferential treatment to a woman in her employment; or;
- ii. implied or explicit threat of detrimental treatment to a woman in her employment; or
- iii. implied or explicit threat about her present or future employment status; or
- iv. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. humiliating treatment likely to affect her health or safety.

II. Aggrieved Woman

“aggrieved woman” means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by an employee.

III. Employee

“employee” means a person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or 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.

IV. Management

“Management” means the employer / owner, which means the Company (Rolta India Limited) represented by the Managing Committee of the Board.

V. Workplace

“workplace” means all offices of Rolta and also includes any place visited by the employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey.

VI. Internal Complaints Committee

“Internal Complaints Committee” means an Internal Complaints Committee, hereafter referred to as Corporate Harmony Committee (CHC), a committee constituted to address issues of sexual harassment at workplace in accordance with the Act.

VII. Respondent

“respondent” means a person against whom an aggrieved woman has made a complaint and is an employee.

VIII. Presiding Officer

“Presiding Officer” means the presiding officer of the Corporate Harmony Committee (CHC).

IX. Convener and Member Secretary

“Convener and Member Secretary” means a senior official of the Company who is the Member of Corporate Harmony Committee (CHC) and responsible for convening the Committee, recording its minutes and managing the affairs of the Committee.

X. Member

“Member” means a Member of the Corporate Harmony Committee (CHC).

XI. Special Educator

“special educator” means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

XII. District Officer

“District Officer” means a District Officer appointed by Government for every district to exercise powers or discharge functions under the Act.

XIII. Timeline for filing the complaint

Any aggrieved woman must make a complaint of sexual harassment at workplace in writing, to the Convener and Member Secretary of the CHC, 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, to be eligible for consideration by CHC.

1. Purpose

Rolta, aims to provide safe, healthy and supportive work environment to all women at workplace ('workplace' defined earlier), by treating them with respect, fairness and sensitivity.

The purpose of this policy is to provide protection against sexual harassment of women at workplace and for prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto and to comply with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

2. Corporate Harmony Committee

In accordance with the requirements of the Act, to enquire into complaints of sexual harassment and to redress such complaints, the Management has constituted the Corporate Harmony Committee (CHC) and it consists of the following Members, majority of whom are women and is presided by senior woman executive of the company.

	Name	Designation
Presiding Officer	Ms. Preetha Pulusani	President - International
Convener and Member Secretary	Mr. Prashant Joshi	Group Manager (Human Resources)
Members	Mr. Dinesh Kapadia	CFO
	Ms. Hetal Vichhi	Management Associate I (Company Secretary)
External Member	Advocate Ms. Aasifa Khan	Independent lady legal expert

Any change in the nominated Members will be notified on the Intranet.

In respect of complaints from locations outside Mumbai, where offices of the Company are located, a senior employee from the respective region will be nominated on the CHC, during that particular inquiry, by the CHC.

3. Filing a Complaint

Any aggrieved woman must send six copies of complaint of sexual harassment at workplace in writing to the Convener and Member Secretary of the CHC at Company's Head Office at Rolta Technology Park, MIDC, Mumbai along with supporting documents, names and address of witnesses, within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the last incident, to be eligible for consideration by CHC.

It may be noted that in case of any delay in filing complaint within this timeline, the aggrieved woman will seize her right under this policy.

However, if an email is sent by the aggrieved woman to the CHC at chc@rolta.com within the above specified [timeline, followed by](#) six copies of complaint of sexual harassment at workplace in writing to the Convener and Member Secretary of the CHC within a reasonable time, such email will be treated as a notification of the incident within the time limit of three months.

In case where such complaint cannot be made in writing, the Presiding Officer or any Member of the CHC shall render all possible assistance to the woman for making the complaint in writing.

It may be noted that for genuine reasons, to be recorded in writing, the CHC may extend the above time limit of three months by further period not extending three months from the original time limit. However, for this to happen, the CHC must be satisfied by the full justification and genuineness of circumstances, which prevented the aggrieved woman from filing the complaint within the time limit of three months from the incident.

- I. Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by
 - i. her relative or friend; or
 - ii. her co-worker; or
 - iii. an officer of the National Commission for Women or State Women's Commission; or
 - iv. Any person who has knowledge of the incident, with the written consent of the aggrieved woman.
- II. Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by
 - i. her relative or friend; or
 - ii. a special educator; or
 - iii. a qualified psychiatrist or psychologist; or
 - iv. the guardian or authority under whose care she is receiving treatment or care; or
 - v. Any person who has knowledge of the incident jointly with her relative or friend or a special educator, or a qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care.
- III. Where the aggrieved woman 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 her written consent.
- IV. Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

On receipt of the complaint the CHC will send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.

On receipt of the copy of complaint from the CHC, the respondent will file detailed reply to the complaint, along with supporting documents, and names and addresses of witnesses, within a period of not exceeding ten working days.

4. Conciliation

- The CHC, may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.
- Provided that no monetary settlement shall be made as a basis of conciliation.
- In case settlement has been arrived:
 - i. The CHC shall record the settlement so arrived.
 - ii. Provide the copies of the settlement to the aggrieved woman and the respondent.
 - iii. No further inquiry shall be conducted by the CHC.

5. Inquiry

- In case, the settlement has not been arrived through conciliation as above, the CHC will, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and as per principle of natural justice.
- In case, where the aggrieved woman informs the CHC that any terms and conditions of the settlement arrived through conciliation has not been complied with by the respondent, the CHC will proceed to make an inquiry into the complaint.
- During the course of inquiry, both the complainant and the respondent will be given an opportunity to be heard and a copy of the findings shall be made available to both the complainant and respondent enabling them to make representation against the findings of the CHC.
- The CHC 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 herself or himself for three consecutive hearings convened by the 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 respondent or the complainant as the case may be.

- The inquiry shall be completed within a period of ninety days.
- Both the complainant and 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 CHC.
- In conducting the inquiry, a minimum of three Members of the CHC including the Presiding Officer shall be present.

6. Powers of the CHC

- For the purpose of making an inquiry, the CHC shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of following matters namely:
 - i. summoning and enforcing the attendance of any person and examining him on oath;
 - ii. requiring the discovery and production of documents; and
 - iii. any other matter which may be deemed fit.

7. Relief for the aggrieved woman during the inquiry

- During the inquiry, on the written request made by the aggrieved woman the CHC will restrain the respondent from reporting on her work performance (performance appraisal) of the aggrieved woman and assign the same to another officer and may recommend the following:
 - i. Transfer the aggrieved woman or the respondent to any other workplace or department; or change her reporting officer: or
 - ii. Grant leave to the aggrieved woman up to the period of three months; or
 - iii. Grant such relief to the aggrieved woman as may be deemed fit.

The leave granted to the aggrieved woman shall be in addition to the leave she would otherwise be entitled.

8. Reporting to the Management

- On completion of the inquiry, the CHC will provide a report of its findings to the Management within a period of ten days from the date of completion of the inquiry
- Where the CHC arrives at the conclusion that the allegations against the respondent has not been proved then it will recommend to the Management that no action is required to be taken in the matter.
- The Management will approve the recommendation and it will be implemented within 60 days.
- Post the final decision from the Management, a copy of such report will be made available to the complainant and respondent.

9. Disciplinary Action

- Where the CHC arrives at the conclusion that the allegations against the respondent have been proved, it will recommend to Management for final approval, the action for sexual harassment as misconduct in accordance with the service rules applicable.
- The nature and severity of disciplinary action will be commensurate with the seriousness of the offence. This could range from but will not be limited to:
 - i. written apology
 - ii. issue a letter of warning, copy of that will be filed in the personal file
 - iii. reprimand or censure
 - iv. withholding of promotion
 - v. withholding of pay raise or increments
 - vi. undergoing counseling sessions
 - vii. carrying out community services
 - viii. termination from service
 - ix. any other action that the committee may deem fit

and / or
- Deduct from the salary or the terminal dues of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs as it may determine in accordance with the following provisions:
 - i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - ii. the loss in the career opportunity due to incident of sexual harassment;
 - iii. medical expenses incurred by the victim for physical and psychiatric treatment;
 - iv. the income and financial status of the respondent;
 - v. feasibility of such payment in lump sum or in installments

In case the respondent is absent from duty or his employment is ceased and terminal dues have been released and hence the deduction is not possible, the Management may direct the respondent to pay such sum to the aggrieved woman.

In case the respondent fails to pay the sum, the CHC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

10. False Complaint

On inquiry, when CHC arrives at the conclusion that

- i. the allegations against the respondent is malicious or
- ii. the aggrieved women or any other person making the complaint has made the complaint knowing it to be false or
- iii. the aggrieved women or any other person making the complaint has produced any forged or misleading document

and it is established that the complainant had malicious intent, the CHC may recommend disciplinary action (as described in 9 above) against the complainant, to the Management, for final approval.

Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

11. False evidence / forged or misleading documents

Where CHC arrives at a conclusion that during the inquiry that any witness has given false evidence or produce any forged or misleading document:

- a) In case the witness is an employee of the Company, the CHC may recommend to the Management, to take actions as per provisions of the service rules (as described in 9 above).
- b) In case the witness is not an employee of the Company, the CHC may:
 - Recommend to the Employer of the witness or the District Officer, to take actions as per provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed by the District Officer.

12. Confidentiality

The contents of the complaint made, the identity and address of the aggrieved woman, respondent and witness, any information relating to the conciliation and inquiry proceedings, recommendations of the CHC and the action taken shall not be published, communicated or made known to the public, press or media in any manner.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, breaches the confidentiality, he/ she will be liable for penalty in accordance with provisions of the service rules applicable and / or a penalty of Rs. 5,000 will be levied, in accordance with the Act.

The information regarding the justice secured to any victim of sexual harassment under this policy, may be disseminated without disclosing the name, address, identity or any other particulars which may lead to identification of the aggrieved woman and witnesses.

13. Appeal

Any person aggrieved from the recommendations made by the CHC or non-implementation of such recommendation may prefer an appeal to the Court within a period of 90 days of the decision.

14. Obligations and assistance by the Company

- a) Rolta, aims to provide safe, healthy and supportive work environment to all women at workplace ('workplace' defined earlier), by treating them with respect, fairness and sensitivity.
- b) This policy will be displayed on Intranet and employees will be communicated about the policy on joining and on regular intervals about the policy existing on Intranet.
- c) The HR Dept. will provide answers to any queries / clarifications, regarding the policy, if required, by any employee.
- d) The HR Dept. will organize training and orientation programs for employees and Members of CHC.
- e) Provide necessary facilities to CHC for dealing with the complaints and for conducting the inquiry.

- f) Assist in securing the attendance of the respondent and witness before the CHC.
- g) Make available to CHC any information, as CHC may require for the inquiry.
- h) Provide assistance to the woman if she chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force
- i) Cause to initiate action under the Indian Penal Code or any other law in force, against the perpetrator, if the aggrieved woman is an employee and the perpetrator is not an employee, in the work place at which the incident of sexual harassment took place.
- j) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.
- k) Monitor the timely submission of reports by the CHC.

15. Miscellaneous

- a) The CHC shall in each calendar year prepare an annual report and submit the same to Management in the following format:
 - i. Number of complaints of sexual harassment received in the year.
 - ii. Number of complaints disposed off during the year
 - iii. Number of cases pending for more than 90 days.
 - iv. Number of workshops or awareness programs against sexual harassment carried out.
 - v. Nature of action taken.
- b) The Management shall include in its annual report the following details:
 - i. Number of complaints of sexual harassment filed during the year.
 - ii. Disposal of the cases filed under the Act.
 - iii. Number of complaints pending as on end of the financial year.