

# **Policy on Prohibition, Prevention, and Redressal of Sexual Harassment**

## **Indian Electrical & Electronics Manufacturers' Association Policy**

This policy document ("Policy") states the policy of the Indian Electronics Equipment Manufacturing Association ("IEEMA") with regard to the prohibition, prevention, and redressal of sexual harassment of its employees at its workplaces. IEEMA is committed to providing a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect.

This policy is prepared in accordance with and in compliance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act"), and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("Rules"). Wherever the Employer is referred to in this Policy, it shall be deemed as a reference to the Head of Human Resources, Mr. Gopal Krishna Mallik [gopal.mallik@ieema.org; +91 9899985975]

### **Who is covered by the Policy?**

This policy extends to:

- All employees (including contractual employees, temporary, ad hoc and daily wage workers, trainees, interns, etc), irrespective of gender;
- Individuals (Third-parties) accessing the workplace for any purpose whatsoever, including prospective employees, visitors, vendors, and contractual resources.
- An aggrieved person under this Policy may be employed for remuneration or not, and may be working on a voluntary basis or otherwise.

### **What is Sexual Harassment?**

For the purposes of this policy, "sexual harassment" includes one or more of the following unwelcome acts or behavior:

- a. Unwelcome physical contact and advances of sexual nature;
- b. Demand or request for sexual favours;
- c. Making obscene or sexually coloured remarks or gestures, or comments of sexual nature about a person's clothing or body;
- d. Showing pornography, making or posting sexual pranks, sexual teasing, voyeurism, stalking;
- e. Continued expressions of sexual/romantic interest against the recipient's wishes;
- f. Deprecatory comments, or any such behavior relating to the gender identity or sexual orientation of a person;

Further, occurrence of any of the following circumstances in relation to any sexually determined act or behavior amounts to sexual harassment:

- g. Implied or explicit promise of preferential treatment in employment;
- h. Implied or explicit promise of threat of detrimental treatment in employment;

- i. Implied or explicit threat about the present or future employment status of the person;
- j. Interference with work or creating an intimidating, offensive, or hostile work environment for the person;
- k. Humiliating treatment affecting any person's health or safety.

The act that is deemed to constitute sexual harassment may be direct or implied; and committed in person, or through print, electronic or other modes of communication, including emails or private chats.

\*The allegation of sexual harassment depends on the experience of the aggrieved person, and not on the intentions of the respondent.

### **Where is the Workplace?**

A complaint will be maintainable under this Policy whether the alleged incident has occurred inside the office or outside, or during or beyond office hours (provided that the alleged incident is connected with work related to the workplace], including work-from-home arrangements. The workplace will therefore include any place visited by the Employee for the purpose or in connection with their employment, and includes transportation to such place.

### **Who can complain about Sexual Harassment?**

- Any individual covered by the policy;
- A complaint can be made on behalf of the individual alleging harassment (by the persons described in Rule 6 of the Act).
- The complainant does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- Where the complainant is unable to make a complaint in writing, the Presiding Officer or any member of the Internal Committee shall render all reasonable assistance to the complainant for making such complaint in writing.

### **When should the complaint be made?**

- Under the law, complaints of sexual harassment are to be made within three months from the date of occurrence.
- Where there are a series of incidents, within three months from the last of such alleged incidents.
- The Internal Committee may condone delays beyond three months if it is satisfied that there were circumstances that merit such condonation. However, no complaint shall be filed after six months after any alleged incident of Sexual Harassment.

### Composition of the Internal Complaints Committee

Member	New Delhi	Mumbai
Chairperson	Name: Ms. Niharika Jaiswal Desig: Head – F&A Email: niharika.jaiswal@ieema.org Mob: 9810421156	Name: Ms. Pragati Sohoni Desig: Sr. Executive Officer Email: pragati.sohoni@ieema.org Mob: 9820071173
Member	Name: Mr. Ajay Mahajan Desig: Head – Trade Fairs Email: ajay.mahajan@ieema.org Mob: 9999250355	Name: Mr. Ninad Ranade Desig: Director – PVC & Statistics Email: ninad.ranade@ieema.org Mob: 9320420509
Member	Name: Ms. Anita Gupta Desig: Director - Training Email: anita.gupta@ieema.org Mob: 9810540026	Name: Ms. Madhura Bhivandkar Desig: Sr. Executive Officer Email: madhura.bhivandkar@ieema.org Mob: 9967700864
Member	Name: Mr. Naveen Upreti Desig: Assistant Director Email: naveen.upreti@ieema.org Mob: 8826708800	Name: Ms. Shalini Singh Desig: Sr. Executive Officer (Sub – Editor) Email: shalini.singh@ieema.org Mob: 8860218758
External Member	Name: Ms. Jhum Jhum Sarkar Desig: Advocate Email: jjsarkar@gmail.com Mob: 9971090884	Name: Ms. Pushpa Aman Singh Desig: Founder & CEO, GuideStar India Email: pushpa@guidestarindia.org Mob: 9324466066
External Member	Name: Dr. Amita Joseph Desig: Director at BCF (an NGO) Email: ajoseph@bcfindia.org Mob: 9821791657	-

Complaints relating to the Bangalore office may be filed with the Internal Committee for the Mumbai office, while complaints relating to the Kolkata office as well as all other field offices may be filed with the Internal Committee for the New Delhi office.

#### Procedure for Raising of complaints

- The complainant shall make the complaint in writing addressed to the Presiding Officer, of the Internal Committee (IC), and shall be delivered to any member of the Internal Committee. Alternately, complaints can be sent to [icc.newdelhi@ieema.org](mailto:icc.newdelhi@ieema.org) for complaints addressed to New Delhi IC and [icc.mumbai@ieema.org](mailto:icc.mumbai@ieema.org) for complaints addressed to Mumbai IC with a copy to all IC members as applicable.
- The complaint shall be accompanied by all supporting documents, and relevant details concerning the alleged act(s) of Sexual Harassment, including names of witnesses, if any.
- The complainant shall certify that he/she believes the information contained in the complaint to be true and accurate.

## Procedure for Redressal

### Conciliation

- Before the Internal Committee initiates an inquiry, the aggrieved Complainant may request the Internal Committee in writing to take steps to resolve the matter through conciliation
- If a settlement has been so arrived, the IC shall record the same and forward the same to the Employer and provide copies of the settlement to the Complainant and the Respondent (the person alleged to have sexually harassed the Complainant). In such cases, no further inquiry shall be conducted by the IC.
- No monetary settlement shall be made as a basis of conciliation.

### Inquiry

- In case where a settlement is not sought by the Complainant, or could not be arrived at through conciliation, the IC will conduct an inquiry into the complaint. Further, if the aggrieved person informs the IC that any terms of settlement arrived at through conciliation has not been complied with, or has been violated, by the Respondent; the IC shall proceed in accordance with the procedure given below.
- A complete copy of the complaint and other supporting documents, including evidence and statements of witnesses shall be sent to the Respondent within 10 days of receiving the complaint.
- Upon receiving a copy of the complaint, the Respondent shall file his/her reply to the complaint, along with supporting documents within a period of 10 working days. A complete copy of the reply and the supporting documents, including evidence and statements of witnesses shall be sent to the aggrieved person within 10 days of receiving the same.
- The IC shall conduct a prompt, thorough and impartial investigation of the complaint as necessary and appropriate, in accordance with the principles of natural justice. (In case any member is not available to attend hearings, including for reasons such as conflict of interest), the remaining members of the IC shall constitute the Committee to inquire into and adjudicate upon the complaint. However any such Committee shall have at least three members, of which not less than 50% shall be women. In case the available members together do not fulfill these requirements, the Employer may name another member to the Committee on a temporary basis.
- Both parties shall be given the opportunity to appear before the Internal Committee and present their case and/or submit names of any witnesses or documentary evidence substantiating their case. Neither the Complainant nor the Respondent shall be represented by a legal practitioner.
- The Inquiry Committee shall have the power to call upon witnesses (not restricted to the witnesses named by the complainant) and record their statements. In case the Complainant or the Respondent wish to put questions to the witnesses or to each other, they shall submit the same to the IC, which shall, if pertinent to the inquiry, put the questions to the person concerned.

- The proceedings shall be conducted in the language that the aggrieved person and the respondent are familiar with.
- Any information shared during a hearing is confidential, and divulging the same will attract penalty under the law.
- If a party is not present for more than 3 consecutive hearings, without sufficient cause, the Internal Committee may, after giving that party a notice of 15 days, give an ex parte decision on the complaint or terminate the complaint.
- The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.

### **Inquiry Report**

- The IC shall provide a report of its findings, along with its recommendations to the concerned parties and the Employer, in writing, at the earliest and in any case within 10 days of completion of the investigation.
- If the allegations against the respondent are proved to be true, the Inquiry Committee shall also recommend the penalties or corrective/restorative action that may be taken against the Respondent to the Employer.
- The employer shall act on the recommendation of the Inquiry Committee within a period of 60 days from the date of the receipt of the Inquiry Report, unless an appeal against the findings is filed within that period by either party.
- Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code, 1860 or under any other law, the IC shall immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and also give advice and guidance to facilitate the same.

### **Interim Measures**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the aggrieved individual or the respondent to any other workplace;
- Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled;
- Grant such other relief to the aggrieved individual as may be found appropriate; and/or
- Restrain the respondent from reporting on the work performance of the complainant.

### **Protection to Aggrieved Person/Complainant**

Taking into account the possible power asymmetry between the complainant/aggrieved person and the Respondent, the Internal Committee shall take steps to ensure that the complainant, aggrieved person, or witnesses are not subjected to discrimination or victimization during or after the period of the inquiry.

## **Appeal**

Any person aggrieved by the final recommendation of IC may prefer an appeal before the appropriate court under law, within 90 days of the recommendations being communicated to them.

## **Prohibition against Retaliation**

IEEMA, particularly its top management, will not intimidate or take any retaliatory action against any person who, in good faith, and without malice, makes a complaint, acts as a witness, or otherwise assists in any case under this Policy. However, it is to be noted that disciplinary or other action against an employee whose conduct or performance warrants such action unconnected with disciplinary proceedings pending shall not be a violation of this clause.

## **False Allegations**

- Where the IC comes to the conclusion that the complainant has knowingly made a false/malicious complaint, then it may recommend to the Employer to take action, as appropriate, against the complainant.
- However, mere inability to substantiate a complaint does not imply that the allegations were false.

## **Confidentiality**

The identity of the aggrieved person/complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the Internal Committee, and action taken by the Employer shall be confidential material, and shall not be published or made known to any person than those for whom it is absolutely necessary.

*This policy has been prepared by Abraham C Mathews, advocate; reviewed by: Gopal Krishna Mallik, Head - HR; and approved by: Sunil Misra, Director General, IEEMA. It will come into effect from 2<sup>nd</sup> July 2020, replacing the existing policy of the Association.*