



HUBTOWN LIMITED

POLICY ON
PREVENTION OF SEXUAL HARASSMENT
AT WORKPLACE

[EFFECTIVE FROM MAY 29, 2014]

HUBTOWN LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

TABLE OF CONTENTS

SR. NO.	PARTICULARS	PAGE NO.
I.	Introduction	1
II.	Philosophy	1
III.	Objectives	1
IV.	Applicability	1
V.	Definitions	2
VI.	Responsibilities	3
VII.	Complaints Committee	4
VIII.	Complaints Procedure and Redressal Mechanism	4-6
IX.	Manner of inquiry into complaint	6-7
X	Manner of taking action	7
XI.	Prohibition of publication or disclosing the content of complaint or inquiry proceedings	7
XII.	Appeal to the Court	7
XIII.	Punishment for false or malicious complaint or false evidence	7-8
XIV.	Disclosure in Annual Report	8
XV.	Principles to be borne in mind by the Complaints Committee	8
XVI.	Confidentiality	8
XVII	Retaliation	9
XVIII	Complaints made with a malicious intent	9
XIX	Documentation	9
XX	Dissemination of the Policy	9
XXI	Dos and Donts for the members of the Complaint Committee	9-10
XXII	Amendment to the Policy	10
XXIII	Conclusion	10
	Annexure – Checklist for reporting findings	11

POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE

I. INTRODUCTION :

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 Hubtown Limited has adopted this Policy for Prevention of Sexual Harassment at Workplace, which has been unanimously adopted by the Board of Directors of the Company on May 29, 2014.

II. PHILOSOPHY :

Respect for the dignity and worth of each individual is a basic tenet of Hubtown Group of companies. Each individual has the right to work in an environment conducive to equal opportunity and free from discriminatory practices.

Hubtown is committed to providing its employees with a supportive and healthy work environment that is conducive to the professional growth of its employees and this includes a workplace that is free from sexual and other unlawful harassment and to ensure that every employee is treated with dignity and respect and afforded equitable treatment. Under corporate compliance, sexual or other unlawful harassment occurring at workplace at any Hubtown group company is prohibited.

III. OBJECTIVES :

This Policy is designed to ensure zero tolerance towards verbal, psychological conduct of a sexual nature by any employee or stakeholder that directly or indirectly harasses, disrupts or interfaces with another's work performance or that creates an intimidating, offensive, or hostile environment.

This Policy is designed to assist you to prevent sexual harassment from occurring within your own workplace. It sets out definition of sexual harassment, and complaints redressal procedures. The Policy also details your own responsibility to ensure that nothing you do could be interpreted as offensive behaviour or as sexual harassment.

IV. APPLICABILITY :

This Policy applies to all category of employees and consultants including trainees (whether in the office premises or outside at Project Site or on assignment) of Hubtown and its group companies including any associate engaged on fixed term contract, short term engagement, temporary, trainees, contract persons and visitors on our premises. It shall also include any unwelcome behavior of a sexual nature mentioned in this Policy by any vendor/supplier/contractor/customers including their agents, supervisors, manager and their employees to any of our employees on our premises.

V. DEFINITIONS :

“**Act**” means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

“**Aggrieved Woman** ” shall have the meaning assigned to it under Section 2 (a) of the Act.

“**Employee**” shall have the meaning assigned to it under Section 2 (f) of the Act.

“**Employer**” shall have meaning assigned to it under Section 2 (g) of the Act.

“Respondent” means the person against whom the aggrieved woman has made a complaint.

“**Sexual Harassment**” as defined under Section 2 (n) of the Act includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :

- (i) physical contact or advances; or
- (ii) a demand or request for sexual favours ; or
- (iii) making sexually colored 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 behavior of sexual harassment may amount to sexual harassment :

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment 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.

Unwelcome sexually determined behavior includes but is not limited to :

- a. subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions;
- b. making an unwelcome remarks with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks, etc.;
- c. showing sexually explicit visual material in the form of pictures / cartoons / pin-ups / calendars / screen-savers on laptops / any offensive written or electronic material;
- d. engaging in any other unwelcome conduct of a sexual nature, verbal or even non-verbal, etc.;
- e. sending unwelcome communication of a sexual nature through e-mail, letter, mobile or any form of written or electronic communication, exhibiting conduct of sexual nature;

The above mentioned list is illustrative and not exhaustive.

VI. RESPONSIBILITIES :

1. General

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this Policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

2. Individual (Victim)

- a. tell the offender directly or in writing that his/her behaviour is offensive and unwelcome and request that it must stop immediately;
- b. if you feel you are unable to do this, discuss this with your immediate superior or contact any member of the Complaints Committee (at this stage, the complaint may be formal or informal. This is your choice. If you wish to proceed with a formal complaint, you will need to follow the formal complaints process);
- c. always keep a written, dated record of events (date time, location, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember details over time, in case the complaint is not filed immediately; and
- d. don't delay. File a complaint as soon as possible. If, after asking the accused to stop his/her behaviour, the harassment continues, report the abuse to the Complaints Committee formed for this purpose.

3. Co-employee

All employees are expected to respect the rights of others and never encourage harassment. If an employee becomes aware that a fellow employee is being harassed, he or she can help prevent it by offering support to the person being harassed. This can be done by :

- Offering to act as a witness if the person being harassed decides to report the incident; and
- Refusing to join in any harassing activity.

It is not a fellow employee's responsibility to say anything to the alleged harasser or to spread rumours about someone. If any employee takes part in spreading rumours, he/she may be subject to disciplinary and/or defamatory action.

4. Individual (Offender)

- a. change your behaviour;
- b. apologize as soon as possible;
- c. educate yourself about policy on sexual harassment;
- d. don't assume others will tell you when they feel offended or harassed by what you say or do;
- e. examine how others respond to what you say and do; and
- f. consider how your behaviour affects other's self-esteem or attitudes towards their work or education.

VII. COMPLAINTS COMMITTEE :

Pursuant to Section 4 of the Act, the Company has constituted a 'Complaints Committee' for redressal of sexual harassment complaints and for ensuring time bound redressal of the complaint made by the aggrieved woman.

The Complaints Committee shall comprise of the following :

- a. **Presiding Officer** – who shall be a woman employed at a senior level; at work place amongst the employees.
- b. **Two members** – from amongst employees committed to the cause of women or who have had experience in social work or have legal knowledge.
- c. **One member** – from amongst Non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Provided that atleast one-half of the total no. of members so nominated shall be women.

Additional members will be added as may be required from time to time.

The present composition of the Complaints Committee is as hereunder :

Sr. No.	Name	Designation
1.	Mrs. Maya Vaidya	Chairperson
2.	Ms. Geeta Menon	Member
3.	Ms. Madhavi Degaonkar	Member
4.	Col. H. Kundu	Member

It is imperative that the members of the Committee shall remain neutral and unbiased. At any time three members must be present, two of whom shall always be female members to hear any complaint.

The Complaint Committee shall be responsible for :

- Investigating every formal written complaint of sexual harassment;
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment; and
- Discouraging and preventing employment related sexual harassment.

VIII. COMPLAINTS PROCEDURE AND REDRESSAL MECHANISM :

1. Conciliation

On a complaint of sexual harassment made either informally or formally with either a superior or any member of Complaints Committee, the focus will be on conciliation as the preferred model for the resolution of the complaints.

The complainant shall be informed of both – the informal and formal complaint redressal procedure options.

VIII. COMPLAINTS PROCEDURE AND REDRESSAL MECHANISM (contd.):

2. Informal Complaints

Informal ways of dealing with sexual harassment can include the following actions :

- You may wish to deal with the situation yourself but also wish to seek advice on possible strategies from your superior or member of the Complaints Committee;
- You may ask your superior or the member of the Complaints Committee to speak to the alleged offender on your behalf. The superior or the member of the Complaints Committee will privately convey your concerns and reiterate sexual harassment policy without assessing the merits of the case.
- A complaint is made, the offender admits his guilt, and the complaint is resolved through conciliation or counseling of the offender; and
- The superior or the member of the Complaints Committee observes unacceptable conduct occurring and takes independent action even though no complaint has been made.

All efforts to resolve complaints informally should be made promptly and within 30 working days of the date of receipt of the complaint.

If acceptable solution is not reached, or is not likely to be reached, within 30 working days or otherwise in a manner necessary to promptly and effectively correct harassment, the aggrieved woman may determine to resolve the matter through formal complaint procedure.

3. Formal Complaints

This procedure works on the premise that informal resolution of the grievance has been unsuccessful or is inappropriate.

- A formal complaint of sexual harassment will need to be made in writing and should be made to the Chairperson of the Complaints Committee within a period of three months from the date of the incident and in case of a series of incidents, within a period of three months from the date of last incident.

Provided that where such complaint cannot be made in writing, the member(s) of the Committee shall render all reasonable assistance to the aggrieved woman to make the complaint in writing.

Provided further that the Complaint Committee, for 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 aggrieved woman from filing a complaint within the said period.

- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.
- Once a complaint is received, the Complaints Committee may at the request of the aggrieved woman take steps to settle the matter between the aggrieved woman and the respondent through conciliation. No monetary settlement shall be made as a basis of conciliation.
- Where settlement has been arrived at, the Complaints Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
- The Complaints Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

3. Formal Complaints (contd.)

- Where a settlement has been arrived at, no further inquiry shall be conducted by the Complaints Committee.
- If the aggrieved woman informs the Complaints Committee that any term or condition of the settlement arrived at has not been complied with by the respondent, the Complaints Committee shall proceed to make an inquiry into the complaint or forward the complaint to the police.
- Where both the parties are employees, the parties shall, during the course of inquiry, 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 representations against the findings before the Committee.
- During the pendency of an inquiry, the Complaints Committee, at the request of the aggrieved woman, may recommend to the employer to :
 - transfer the aggrieved woman or the respondent to any other workplace;
 - grant leave to the aggrieved woman upto a period of three months;
 - grant such other relief to the aggrieved woman as may be prescribed.
- The employer shall implement such recommendations and send report of such implementation to the Complaints Committee.
- On completion of an inquiry, the Complaints Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- Where the Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- Where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to grant such relief to the aggrieved woman which shall be in accordance with the applicable statutory laws.
- The employer shall act upon the recommendation within 60 days of the receipt of the recommendation.

IX. MANNER OF INQUIRY INTO COMPLAINT :

- At the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint alongwith supporting documents and the names and addresses of the witnesses.
- On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.
- 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 copy of the complaint by the respondent.
- The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- If the complainant or the respondent fails to present herself or himself for three consecutive hearings convened by the Presiding Officer, the Complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint. However, the Complaints Committee cannot terminate or pass an ex-parte order without giving a notice in writing, fifteen days in advance to the parties concerned.

IX. MANNER OF INQUIRY INTO COMPLAINT (contd.) :

- The parties concerned 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.
- A minimum of three members of the Complaints Committee shall be present at the time of conducting the inquiry.

X. MANNER OF TAKING ACTION :

If the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any one or more of the following actions :

- Written apology;
- Warning;
- Reprimand or censure;
- Withholding of promotion;
- Withholding of pay rise or increments;
- Terminating the respondent from service;
- Undergoing a counseling session;
- Carrying out community service

The above actions shall be in addition to any legal recourse sought by the complainant.

XI. PROHIBITION OF PUBLICATION OR DISCLOSING THE CONTENT OF COMPLAINT OR INQUIRY PROCEEDINGS:

- Notwithstanding anything contained in the Right to Information Act, 2005, the identity and address of the aggrieved woman, respondent and the witness(es), any information relating to conciliation and inquiry proceedings and recommendations of the Complaints Committee and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner.
- However, information may be disseminated regarding justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and the witnesses.

XII. APPEAL TO THE COURT :

Any person who is aggrieved from the recommendations made, may prefer an appeal to the Court or Tribunal. The appeal shall be made within a period of ninety days from the date of the recommendations.

XIII. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE :

- Where the Complaints Committee arrives at a 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 false or misleading document, it may recommend to the employer to take action against the aggrieved woman in accordance with the provisions of the service rules applicable to her.

XIII. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE (contd.) :

Provided that mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant or the person making the complaint.

The malicious intent on part of the complainant shall be established after an inquiry, before any action is recommended.

- In case the Complaints Committee arrives at a conclusion that during the inquiry, any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness and where no such service rules exists, in such manner as may be prescribed in the provisions of the statutory laws.

XIV. DISCLOSURE IN ANNUAL REPORT :

The Complaints Committee shall prepare an annual report with the following details and shall submit the same to the Board of Directors of the Company :

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

The Company shall include in its Annual Report, the number of sexual harassment cases filed and disposed of during the year.

XV. PRINCIPLES TO BE BORNE IN MIND BY THE COMPLAINTS COMMITTEE :

The Complaints Committee shall bear in mind that :

- Everyone has a right to be treated with respect;
- Everyone has a right to 'due process' i.e. the offender shall be provided with an opportunity of being heard and defend himself/herself;
- Complaints will be treated in confidence and where confidentiality cannot be guaranteed, this will be clearly indicated;
- There might be no eyewitnesses. The Committee may have to resolve a sexual harassment claim based on the credibility of the parties involved;
- Circumstantial evidence also would play an important role in the decision making process by the Committee.

XVI. CONFIDENTIALITY :

An accusation of sexual harassment can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. Every reasonable effort shall be made to protect the privacy of the complainant, the accused and the witnesses in the investigation and resolution process, subject to the need to conduct a full and impartial investigation, remedy violations, monitor compliance, and administer this Policy.

Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

XVII. RETALIATION :

Regardless of the outcome of the complaint made in good faith, the employee who lodges the complaint and any person providing information or any witness, shall be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Complaints Committee shall ensure that the complainant or the witness are not victimized or discriminated against by the offender. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the offender against the complainant while the investigation is in progress should be reported by the complainant to the Complaints Committee as soon as possible.

Retaliation in any form against a complainant who exercises his or her right to make a complaint under this Policy is strictly prohibited, and will itself be a cause for appropriate disciplinary action.

XVIII. COMPLAINTS MADE WITH A MALICIOUS INTENT :

This Policy has been evolved as a tool to ensure that in the interest of justice and fair play, each and every employee has a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual/ tarnishing his/her image in Hubtown and to settle personal/professional scores, strict disciplinary action will be taken against the complainant which may include but not limited to withholding promotion, increment, reduction in Grade/ salary scale. The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

XIX. DOCUMENTATION :

The Complaints Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof, which shall be kept strictly confidential. The incident would be documented in both the complainant's file and the offender's file with full report of the Complaints Committee.

XX. DISSEMINATION OF THE POLICY :

A copy of this Policy will be made available on the website of the Company and the web link thereto shall be disclosed in the Annual Report.

XXI. DOs AND DONTs FOR MEMBERS OF THE COMPLAINTS COMMITTEE :

- Believe in the reality of the complaint lodged.
- Empathize with the complainant. Do not function like a criminal court.
- Remember that it may be difficult for an employee to talk about anything 'sexual'. Hence there may be a time lag between occurrence of harassment and the actual filing of a complaint.
- Handle complaints in a confidential manner.
- Submit annual report on sexual harassment cases, if any and action taken to the Board of Directors of the Company.
- Maintain all the data relating to sexual harassment cases in the Company.
- Provide safety to the complainant and his/her supporters.
- Recommend action against persons indulging in intimidation of the complainant or eyewitness to the complaint.
- Do not insist on detailed description of harassment as this could increase the complainant's trauma.

XXI. DOs AND DONTs FOR MEMBERS OF THE COMPLAINTS COMMITTEE (contd.) :

- Most sexual crimes are committed in isolation. Hence there may not be any eye witnesses.
- Since this is a human rights issue, balance of probabilities is a sufficient measure of proof.
- Help the complainant regain his/her self respect.
- Make 'discreet' enquiries as to whether other employees have experienced similar problems.
- Document results of any sexual harassment complaint or investigation. Also document the corrective action that the employee or supervisor was asked to take.
- Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.
- The failure to substantiate a complaint or provide clinching evidence does not automatically attract action against the complainant.

XXII. AMENDMENT TO THE POLICY :

The management reserves the right to make suitable amendments to this Policy from time to time in order to keep the same attuned to regulatory changes, if any.

XXIII. CONCLUSION :

The Company reiterates its commitment to providing its employees, a work place free from harassment/discrimination and where every employee is treated with dignity and respect.

PLEASE NOTE :

THE COMPLAINTS COMMITTEE WILL NOT ENTERTAIN ANY ANONYMOUS COMPLAINT.

Title	Policy on Prevention of Sexual Harassment at Workplace	Approved by	Board of Directors
Version	1	Date	May 29, 2014

CHECK LIST / FORMAT FOR REPORTING FINDINGS

Sr. No.	Item	Remarks
1.	Date of receipt of complaint	
2.	Name and contact details of complainant	
3.	Date and location of incident	
4.	Brief description of the complaint	
5.	Name and contact details of the alleged offender	
6.	Complaints Committee Members in Investigation team	
7.	Dates of Investigation ➤ Start date ➤ End date	
8.	Documents referred / verified / collected	
9.	Analysis / Observations of the Complaints Committee team	
10.	Conclusion	
11.	Recommendations of the Complaints Committee Investigation team.	