

**POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT
THE WORKPLACE**

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1. Background

As laid out in the Tata Code of Conduct ("TCOC"), Tata Indian Institute of Skills (hereinafter referred to as 'TIIS) is committed to providing all its employees an equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be.

2. Objective

In order to create such a safe and conducive work environment, this Policy has been framed, in line with the provisions of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" of India (hereinafter referred to as the "Act") and existing rules framed thereunder namely the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the "Rules").

3. Scope & Applicability

This policy is applicable to all employees of Tata IIS including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, interns and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours. This policy does not prevent any aggrieved person from taking recourse to the law of the land.

4. Key Definitions

- a) "Aggrieved Individual" means in relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent and includes contractual, temporary employees and visitors.
- b) "Complainant" is any aggrieved individual (including a representative as described under Rule 6 of the said Rules, if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging sexual harassment under this policy.
- c) "Employee" as defined under the Act and means a person employed with TIIS for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, working 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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- d) "Employer" means person who are responsible for management, supervision and control of the workplace including appointment/termination of employees.

- e) "Internal Committee" means and include members of an Internal Committee (hereinafter referred to as the "IC").
- f) "Member" means an internal member of the IC.
- g) "Presiding officer" means the Chairperson of the IC and shall be a woman employed at a senior level at the workplace amongst the employees.
- h) "Respondent" means a person against whom a complaint of alleging sexual harassment has been made under this policy.
- i) "Parties" means collectively the complainant and the respondent.
- j) "Sexual Harassment" includes any one or more of the following unwelcome acts of 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 favours;
 - iii. Making sexually coloured remarks or remarks of sexual nature about a person's clothing or body;
 - iv. Showing pornography;
 - v. Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.
Sexual harassment can involve a series of incidents or it can be a one-off occurrence.
 - B. 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 in employment; or ii. Implied or explicit threat of detrimental treatment in employment; or iii. Implied or explicit threat about the present or future employment status; or iv. Interference with work or creating an intimidating or offensive or hostile work environment for the person; or
 - v. Humiliating treatment affecting any person's health or safety.
- k) "Workplace" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by TIIS or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

5. Effective Date

The policy is applicable with effect from 01st April, 2021 and will supersede all earlier communication related to the subject.

6. Procedures & Guidelines

Composition of Internal Committee (IC)

Pursuant to the relevant provisions of the Act, an Internal Committee (IC) has been constituted to prevent sexual harassment and to receive and effectively deal with complaints pertaining to the same. The list of members of the IC constituted by TIIS is as follows: Nidhi Goyal, Sharadha Sridharan and Kinjal Shah (Internal Members), Mr. H.N. Shrinivas and Dr. Krishna Bipin Mehta as External Members. Ms. Nidhi Goyal shall be the Presiding Officer.

A quorum of 4 members is required to be present for the proceedings to take place. The quorum must include the Presiding Officer, at least two members (50% of whom must be women members) and the external member.

7. Complaint of Sexual Harassment

a. Raising of complaint

- i. Any aggrieved individual shall make in writing, a complaint of sexual harassment to the IC at icc@tataiis.org, within a period of three (3) months from the date of incident and in case of more than one incident, within a period of three (3) months from the date of last incident.
- ii. However, the IC may, for reasons to be recorded in writing, extend such time limit of filing complaint up to further 3 months, if it is satisfied that bonafide circumstances prevented the aggrieved individual from filing complaint within the time limit mentioned hereinabove.

The complainant should clearly mention name and available details of both the aggrieved person and the respondent. The complaint should contain supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any, which the complainant believes to be true and accurate.

Anonymous or pseudonymous complaints will not be investigated by the IC.

- iii. Where the aggrieved individual is unable to make the complaint on account of her/his physical or mental incapacity or death or otherwise, his/her representative, as described under Rule 6 of the said Rules, may make a complaint.

b. Redressal Process

i. Conciliation

Before the IC initiates an inquiry, the complainant may request in writing the IC to take steps to resolve the matter through conciliation. During this procedure, any monetary compensation as a settlement is not allowed. If a Conciliation 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 aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the IC.

ii. Inquiry

In case where a settlement is not feasible or could not be arrived at through conciliation the IC will conduct an inquiry into the complaint. Additionally, an inquiry may also be initiated if the aggrieved person informs the IC that any terms of settlement has not been complied with by the respondent.

- The IC within 7 (seven) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.
- The respondent within 10 (ten) working days of receiving the complaint shall file his/her reply to the complainant along with list of supporting documents, names and addresses of witnesses.

The IC shall consider the reply from the respondent and initiate an inquiry.

The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the IC. IC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.

- In the event of failure to attend personal hearing before IC by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the IC shall have the right to terminate the inquiry proceedings or give an ex- parte decision. However, the IC shall serve a notice in writing to the party, 15 (fifteen) days in advance, before such termination or the ex-parte order.
- The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.
- The IC within 10 (ten) days from the date of completion of inquiry shall provide a report of its findings and recommendations to Management and findings shall also be forthwith made available to the complainant(s) and respondent(s).

Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of IC to immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this policy.

c. Interim Relief

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

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

d. Prohibition on disclosure of information

This policy and the law prohibits any person including IC members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the IC during the proceedings under the provisions of the Act.

Any violation thereto shall also be subject to applicable disciplinary action. Further IC shall impose monetary sanctions as per provisions of the Act and Rules.

e. Third Party Harassment

If an aggrieved individual brings to the notice of the IC any instances of sexual harassment where the Respondent is not an employee or other individuals covered under this policy, the Management or any person delegated by the Management shall provide assistance to the aggrieved individual, if such aggrieved individual so chooses, to file a complaint with the IC of the respondent's employer or under the Bharatiya Byay Sanhita 2023, or any other law for the time being in force, as may be appropriate.

f. Protection to Complainant

TIIS is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any retaliation will be subject to disciplinary action. TIIS will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

g. False Complaints

Anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue and/or produces any forged or misleading document) will be subject to applicable disciplinary action up to and including termination of services.

h. Appeal

Any person aggrieved by the recommendation of IC may prefer an appeal under the relevant provisions of the Act and Rules within 90 days of receiving such report.

8. Disciplinary Proceedings

Pursuant to written recommendation by the IC on the basis of report and findings of IC, necessary disciplinary proceedings may be initiated against the respondent for the

misconduct in terms of the applicable provisions of the Act. Such actions may include any of the following, or a combination of the below mentioned statutory actions:

- a) Written apology
- b) Warning
- c) Counselling
- d) Withholding of promotion
- e) Withholding of pay rise or increments
- f) Termination of employment

9. Compensation

The IC can also recommend monetary compensation in favour of the Complainant by way of deduction from the salary or wages of the Respondent, for an amount that it may consider appropriate to be paid to the Complainant in accordance with applicable law.

10. Amendments

Tata IIS reserves its right to modify this policy as felt necessary. Any exceptions will require approval of Manager – HR and CEO.

Annexure: Indian Penal Code 1862, has been replaced by the Bharatiya Nyay Sanhita, 2023, Relevant Sections under the Bharatiya Nyay Sanhita, 2023

Under the Bharatiya Nyay Sanhita, 2023 the newly introduced Chapter V deals with Sexual Harassment as a 'cognizable offense': A person charged with Sexual Harassment may be arrested without a warrant.

- 1) A man committing any of the following acts:
 - i. physical contact and advances involving unwelcome and explicit sexual overtures; or
 - ii. a demand or request for sexual favours; or
 - iii. showing pornography against the will of a woman; or
 - iv. making sexually coloured remarks, shall be guilty of the offence of sexual harassment.
- 2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- 3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description (i.e. either simple or rigorous) for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under Bharatiya Nyay Sanhita including:

- Section 74 (assault or criminal force to woman with intent to outrage her modesty),
- Section 77 (Voyeurism),
- Section 78 (Stalking),
- Section 63 (Rape) and
- Section 79 (word, gesture or act intended to insult the modesty of a woman) of the Bharatiya Nyay Sanhita 2023.

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