

**LPC ADVISORS PVT LTD POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) OF WOMEN AT WORKPLACE**

**1. Introduction**

LPC Advisors Pvt Ltd (“Company”) aims at providing equal employment opportunity to its Employees and is committed towards providing safe, secure and comfortable working environment to all employees which is free from any and all kinds of discrimination and harassment including without limitation Sexual Harassment. The Management strives to create a healthy work environment wherein Employees are able to work efficiently and utilize their utmost efforts without fear of prejudice, bias or harassment of any kind. The Management believes firmly that every Employee of the Company has the right to be treated with respect and dignity.

**2. Purpose**

- a.** This Policy for Prevention, Prohibition and Redressal of Sexual Harassment at Workplace (“Policy”) has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act and any amendment thereto shall prevail.
- b.** The Policy aims to provide protection against Sexual Harassment of women at workplace the redressal of Complaints of Sexual Harassment and any matters in relation thereto.

### **3. Definitions**

- a. “Aggrieved Woman”** means and includes, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the respondent;
- b. “Respondent”** means and includes any person against whom a Complaint of Sexual Harassment has been made by the aggrieved
- c. “Employee”** means and includes any person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including 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;
- d. “Employer”** means-
  - i. Any person responsible for the management, supervision, and control of the workplace.
  - ii. In relation to workplace covered under sub clause(i) the person discharging contractual obligations with respect to his or her Employees;
- e. “Respondent”** means a person against whom the Aggrieved Woman has made a Complaint.
- f. “Workplace”** includes-
  - i. Any and all Premises wherein the Company is operating its functions in order to conduct its business.
  - ii. Any place visited by the employee for any purpose arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

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- g. “Complainant”** means Aggrieved Woman or any individual such as relative, friend or any person who has the knowledge of the incident and who files a written Complaint of the incident.
- h. “Conciliation”** is a dispute resolution method wherein an attempt is made to resolve the dispute in a friendly manner within the organization, with an aid and cooperation of Internal Complaint Committee.

### **4. Meaning of Sexual Harassment**

- a.** Sexual Harassment means and includes any and all unwelcome physical act or behavior such as:
  - i. Physical contact or advances;
  - ii. Any and all demand or request for sexual favors;
  - iii. Making sexually colored remarks;
  - iv. Showing pornography
  - v. Any physical unwelcome, verbal, non-verbal conduct of sexual nature.
  - vi. Display of picture, signs/symbols with sexual implication in the workplace
- b.** Acts and circumstances mentioned hereunder in addition to the abovementioned acts or behavior would amount to Sexual Harassment:
  - i. Implied or explicit promise of preferential treatment in the employment
  - ii. Implied or explicit threat or detrimental treatment in the employment
  - iii. Implied or explicit threat regarding the present or future employment status

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- iv. Interference with the work or creating intimidating, offensive or hostile work environment
  - v. Humiliating treatment likely to affect health and safety
- c. Any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment submission to such conduct is either an explicit or implicit term or condition of employment or submission or rejection of the conduct is used as a basis for making employment decisions.

### **5. Internal Complaints Committee**

- a. The Company has instituted a Complaints Committee for redressal of Sexual Harassment Complaints and for ensuring time bound treatment of such Complaints:
- i. **One presiding officer**, a woman employed at a senior level in the organization or workplace from amongst the employees.
  - ii. **Two members** from among the employees, committed to the cause of women and or having legal knowledge.
  - iii. **One external member** from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment.
- b. The Complaints Committee shall be responsible for:
- i. Investigating every formal written Complaint of Sexual Harassment
  - ii. Taking appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment;
  - iii. Discouraging and preventing any instances of Sexual Harassment;

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c. The constitution of the Internal Complaints Committee of the Company is as follows:

<b>Sr. No.</b>	<b>Name</b>	<b>Designation</b>	<b>Contact information</b>
1.	Ms. Shraavani Sistla	Presiding Officer	icc@lpcadvisor.com
2.	Ms. Rutuja Parmane	Member	icc@lpcadvisor.com
3.	Mr. Milind Gole	Member	icc@lpcadvisor.com
4.	Adv. Shambhavi Padhye	External Member	<a href="mailto:shambhavi.p@reddyandreddy.org">shambhavi.p@reddyandreddy.org</a>

### **6. Procedure for making a Complaint**

- i. The Complainant needs to submit a detailed Complaint in writing along with any documentary evidences, or name of witnesses, to any of the Committee Members at the work place.
- ii. The Complaint must be submitted within three months of the incident and in case of a series of incidents, within a period of three months from the date of last incident. The Committee can extend the timeline by another three months for reasons recorded in writing, if satisfied that these reasons prevented the women (victim) from making the Complaint.

Provided that where such a Complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the Complaint in writing.

- iii. Where the Aggrieved Woman is unable to make a Complaint because of her physical or mental incapacity or death or otherwise, her legal heir or such

Other person who has knowledge of the incident may make such complaint on behalf of the Aggrieved Woman.

- iv. If the initial Complaint is made to a person other than a Committee Member, upon receiving such a Complaint, it will be the responsibility of the person receiving the Complaint to report the same to the Committee immediately.

## **7. Procedure after Receiving Complaint of Sexual Harassment**

### **a. Resolution through Conciliation process**

- i. The Committee may, before initiating any inquiry and at the request of the Aggrieved Woman take steps to settle the matter between her and the respondent through Conciliation. Resolution through Conciliation happens within Two weeks of receipt of Complaint.
- ii. No monetary settlement shall be made as a basis of Conciliation.
- iii. Where a settlement has been arrived at, the Committee shall record the settlement so arrived and forward the same to the Board of Directors to take necessary action in this regard.
- iv. The Committee shall provide the copies of the settlement as recorded to the Aggrieved Woman and the respondent.
- v. Where a settlement is arrived at, no further inquiry shall be conducted by the Committee.
- vi. In the event that the Aggrieved Woman informs the Committee that any term or condition of the settlement arrived at has not been complied with by the respondent, the Committee shall proceed to make an inquiry into the Complaint or in cases where the Committee deems fit forward the Complaint to the police.

### **b. Resolution through Inquiry**

- i. The Committee shall initiate inquiry in the following cases:
  - No Conciliation is requested by Aggrieved Woman

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- Conciliation has not resulted in any settlement
  - Complainant informs the Committee that any term or condition of the settlement arrived through Conciliation, has not been complied with by respondent.
- ii. The Committee shall proceed to make an inquiry into the Complaint within a period of One week of the receipt of the original Complaint, or closure of Conciliation/repeat Complaint.

**c. Manner of inquiry into Complaint**

- i. If the Presiding Officer of the Committee determines that the allegations constitute an act of Sexual Harassment, s/he will proceed to investigate the allegation with the assistance of the Committee members.
- ii. Where both the parties are employees, the parties shall, during 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 representation against the findings before the Committee.
- iii. Where such conduct on the part of the accused amounts to a specific offence under the law, the Company shall initiate appropriate action in accordance with law by making a Complaint with the appropriate authority.
- iv. The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Board of Directors.
- v. For making an inquiry as mentioned above, the Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely: -
- summoning and enforcing the attendance of any person and examining him on oath;

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- requiring the discovery and production of documents; and
  - any other matter which may be prescribed.
- vi. The aforesaid inquiry shall be completed within a period of Ninety days from receipt of the Complaint.

### **d. Interim Relief**

- i. During the pendency of an inquiry, on a written request made by the Aggrieved Woman, the employer on the recommendation by the Committee may take the following actions: -
- transfer the Aggrieved Woman or the respondent to any other workplace; or
  - grant leave to the Aggrieved Woman up to a period of three months; or
  - grant such other relief to the Aggrieved Woman as may be prescribed.
- ii. The leave granted to the Aggrieved Woman shall be in addition to the leave she would be otherwise entitled.
- iii. Once the recommendations of interim relief are implemented, the Employer will inform the Committee regarding the same.

### **8. Inquiry Report**

- a. On the completion of an inquiry, the Committee shall provide a report of its findings to the Board of Directors 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.
- b. Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, then no action is required to be taken in the matter.



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- c. Where the Committee and Board of Directors together arrives at the conclusion that the allegation against the respondent has been proved, it may take the following actions depending upon the circumstances:
  - i. Formal apology
  - ii. Counselling
  - iii. Written warning to the Respondent and a copy of it maintained in the employee's file.
  - iv. Change of work assignment / transfer for either the Respondent or the Complainant.
  - v. Suspension or termination of services of the employee found guilty of the offence
  - vi. Granting of compensation or damages to the Complainant
- d. The Employer is required to take action on the recommendations of the Committee within Sixty days of receiving the report on inquiry.

**9. False allegations**

- a. Where the 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 or any other person making the Complaint has produced any forged or misleading document, the Complainant shall, be liable for appropriate disciplinary action by the Board of Directors.
  - i. It should be noted that the mere inability to substantiate a Complaint or provide adequate proof shall not deem the Complaint to be false and malicious
  - ii. To establish malicious intent on part of the complainant shall an inquiry into such fact shall be undertaken before any action is recommended

- b.** Where the 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 Board of Directors to take necessary actions in this regard.

## **10. Compensation**

For determining the sums, if any to be paid to the Aggrieved Woman, the Committee shall consider the following while arriving at the compensation

- the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman;
- the loss in the career opportunity due to the incident of Sexual Harassment;
- medical expenses incurred by the victim for physical or psychiatric treatment

## **11. Local Complaints Committee**

A Committee to be known as the “Local Committee” is to be constituted in the district concerned, to receive Complaints of Sexual Harassment from establishments where the Internal Committee has not been constituted due to having less than ten workers or if the Complaint is against the employer himself.

## **12. Confidentiality**

- a.** The Company understands that it is difficult for the victim to come forward with a Complaint of Sexual Harassment and recognizes the victim’s interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of Sexual Harassment, confidentiality will be maintained

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Throughout the investigatory process to the extent practicable and appropriate under the circumstances

- b.** The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with Complaints of Sexual Harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

### **13. Appeal**

Any party not satisfied or further aggrieved by the implementation or non- implementation of recommendations made, may appeal to the Appellate Authority in accordance with the Act and Rules, within 90 days of the recommendations being communicated.

### **14. Conclusion**

In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.