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**LetsEndorse’s Policy on Prevention of Sexual Harassment (PoSH) at  
workplace**

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## Background

This 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 shall prevail.

## Purpose

The purpose of this policy is to provide protection against sexual harassment of all employees and associates at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

At LetsEndorse, we associate ourselves with competent, dignified and motivated people and are committed to provide an environment that ensures that all everyone is treated with dignity and respect. In doing so, we are determined to promote a working environment in which persons of all genders (men, women, non-binary, LGBTQ) work and complement each other as equals in an environment that encourages maximum productivity. We are committed to giving every employee a just and fair hearing on issues that are raised on sexual harassment. All allegations of sexual harassment shall be taken very seriously by us and shall be governed by this Policy.

## Applicability

This policy extends to all employees who are in rolls or on contract, trainees, interns, community workers, and covers individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, secondees and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours. The policy covers any form of sexual harassment made towards an employee by another employee regardless of sexual identity. This is a zero tolerance policy irrespective of who is involved. This policy does not prevent any aggrieved person from taking recourse to the law of the land.

## Glossary

- **Aggrieved:** A person who alleges to have been subjected to any act of Sexual Harassment.
- **Complainant:** Any aggrieved Individual (or if the Aggrieved Individual is unable to make a Complaint on account of his/her physical or mental incapacity or death or otherwise, any other person permitted under the Rules) who makes a Complaint alleging Sexual Harassment under this Policy
- **Respondent:** The person against whom the Complainant has made a Complaint

## Effective Date

These guidelines and procedures shall supersede all other earlier guidelines / rules on the subject matter and shall come into force with effect from 1 April 2021.

## Features

### 1. Definitions to know

**a) Sexual harassment:** It includes any one or more of the following unwelcome acts or behaviour (whether directly or indirectly) namely:

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography or offensive pictures or written materials; or
- Verbal – unpleasant or suggestive remarks, personal comments. Sexual innuendos and taunts, sexist remarks (gender based insults) and offensive telephone calls/messages
- Implied or explicit promise of preferential treatment in his/her employment; or
- Implied or explicit threat of detrimental treatment in his/her employment; or
- Implied or explicit threat about his/her present or future employment status; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

**b) Workplace includes:**

- Within the premises of the office/worksites

- Any place visited by the employee whether on roll or on contract, trainees, interns arising out of or during the course of the employment
- Transportation provided by the organization or during travel whether in the own vehicle or of others or hired

## **2. Constitution of the Internal Complaints Committee (ICC)**

The Internal Complaints Committee (ICC) is constituted to consider and redress complaints related to sexual harassment. The Constitution of ICC is as per the Act and includes external member from NGO or person familiar with the issues relating to sexual harassment.

- Presiding Officer: A woman employed at a senior level in the organization or workplace
- At least two members from amongst the employees who are committed to the cause of the women or the person familiar with issues relating to sexual harassment
- One-half of the total members must be women
- One external honorary committee member, familiar with the issues relating to sexual harassment

**Nomination:** The Executive Director nominates the Presiding Officer and the members of ICC.

**Removal or Replacement of ICC member or Presiding Officer:** In the event that the Presiding Officer and/or any member of the ICC:

- Contravenes any provisions of the Policy; or
- Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- Has so abused his/her position as to render his/her continuance in office prejudicial to public interest, such Presiding Officer or member as the case may be, shall be removed from the Committee

- Any vacancy created due to cessation of employment, resignation, death, disability or removal, as applicable, shall be filled by a fresh nomination by the Company in accordance with the appropriate guidelines.

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

Current nominated members of the Internal Complaints Committee are given in the table below:

<b>Name</b>	<b>Designation</b>
Monika Shukla	Presiding Officer
Shivangni Singla	Committee Member
Krishna Chaitanya Damera	Committee Member
Honey Pamnani	External Honorary Committee Member

### **3. Redressal of complaints**

- In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.
- Such a complaint must be submitted to the supervisor within 15 days from the date of the incident of sexual harassment. The complaint needs to be signed by the complainant and submitted to their supervisor. However, if

the Supervisor is involved then the complaint is to be sent to any member of the ICC for inquiry.

- If the complainant is unable to make a complaint in writing, he/she should intimate the ICC and the ICC would render all reasonable assistance to the complainant for making the complaint in writing.
- Though it is desirable that the complaint is given within 15 days, however, there may be situations, where the complainant may not be able to file the complaint within the specified time due to compelling circumstances, in such cases, the time of giving complaint may be extended up to three months.
- Where the Complainant is unable to give the complaint on account of his/her physical or mental incapacity the legal heir or such other person related to the complainant may make a written complaint on his/her behalf to the ICC.
- The Committee maintains a register to endorse the complaint received by it and keeps the contents confidential, if it is so desired, except to use the same for discreet investigation.
- ICC holds a meeting with the complainant after receipt of the complaint. The complainant will be formally intimated of the date of the meeting.
- If the complaint does not fall under the purview of sexual harassment or the complaint is not an offence under the sexual harassment, the same is to be dealt under the disciplinary procedure of the organization. The investigation of such surveys is not under the purview of ICC.

#### **4. Conciliation**

- Once the complaint is received, before initiating the inquiry, the ICC may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved. It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.
- The Complainant is given an opportunity to settle the matter with the respondent through conciliation, provided monetary settlement is not the basis of conciliation. Such settlement could include an apology from the

Respondent, Respondent agreeing to gender sensitization and related training or any other settlement agreement arrived at.

- The settlement that is arrived at must be recorded and the copy of it be given to the Complainant and the respondent.
- The Complainant may approach the ICC if the terms of settlement are not honoured. The Committee can then decide to go ahead with the inquiry.
- During the inquiry both parties will be given an opportunity to represent. The copies of the findings will be given to both the parties so that they can represent the committee against the findings.

## **5. Inquiry**

The committee conducts the inquiry within seven days of the receipt of the complaint in the following cases- (i) No conciliation is requested by aggrieved woman (ii) Conciliation has not resulted in any settlement (iii) Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

- A copy of the statement of the Complainant shall be given to the Respondent within a period of seven (7) working days. If the complaint has been received by email, the ICC may either forward or supply a printout the same to the Respondent, with clear instructions that the same is not to be shared with any other employee of the company.
- The Respondent shall file his reply in Response Form (Appendix II) to the Complaint along with a list of documents, and names and addresses of witnesses, within a period of ten (10) working days from the date of receipt of the documents.
- The ICC shall make an inquiry into the Complaint in accordance with the principles of natural justice. The ICC must notify in writing the time and dates of its meetings to the Company, the Complainant and the Respondent, not less than five days in advance of any such meeting.
- The ICC shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process.

- The Complainant and the 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 ICC. However, they may be allowed to bring a colleague for support, at the discretion of the Committee, provided such colleague will not be permitted to interfere directly with the proceedings except to advise each party privately.
- The inquiry shall be completed within ninety (90) days from the date of receipt of the Complaint. The conclusions of the ICC will then be informed to the parties in writing following the investigation. These conclusions will recommend action to be carried out by the chairperson of the committee.
- During the pendency of the inquiry, the ICC may request the Management for the following during the course of enquiry- (i) Transfer the complainant or the respondent to any other office, if possible, or (ii) Give permission to work from home if it is possible
- During the inquiry the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to the ICC in writing. However, if there is fresh evidence to be produced the complainant or the respondent can make such requests.

## **6. Termination of Inquiry**

The committee may terminate the inquiry or give an ex-parte decision, if the complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

## **7. Post inquiry**

- On completion of the inquiry, the committee submits the report on the findings within 10 days after the completion of the inquiry to the Executive Director. The copy of the report is given to the complainant and the respondent.
- If the allegation against the respondent is not proved, the ICC informs the employer that no action is to be taken against the respondent.

- During the inquiry, if it is found that the allegation against the respondent is malicious or the complainant or any other person making such complaint has made the complaint knowing it to be false or the Complainant or any other person making the complaint produces any forged or misleading document, the ICC may recommend the Executive Director to take action against the Complainant who has made the complaint. If the Complainant is unable to substantiate a complaint or provide adequate proof, there will be no action.
- If the allegation is proved in the inquiry stage, action will be taken against the Respondent as per the Standards of Conduct;
  - A letter of warning that will be placed in the personal file of the respondent
  - Immediate transfer or suspension without pay for a Complaint of harassment that is written or if more than one Complaint is lodged against a single person for a minor offence
  - Stop the increment with or without cumulative effect
  - Reduction in rank
  - Termination/dismissal from the services of the Company if the offence is serious enough such as in the case of emotional and physical harassment
  - Any other action that the Disciplinary Authority may deem fit
- During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, the ICC will recommend to the Executive Director to take action in accordance with the Standards of Conduct; *f*
  - A letter of warning that will be placed in the personal file of the respondent
  - Stop the increment with or without cumulative effect
  - Reduction in rank
  - Termination/dismissal from the services of the Company
  - Any other action that the Disciplinary Authority may deem fit.
- For deciding the amount to be paid by the Respondent to the complainant following factors may be taken into account: *f*

- The mental trauma, pain, suffering and emotional distress caused to the Complainant;
- The loss in the career opportunity due to sexual harassment;
- The income and financial state of the respondent;
- Medical expenses incurred by the victim for physical or psychiatric treatment;
- Feasibility of such payment in lump sum or in installments
- According to the provision of the Rights to information Act 2005, the contents of the inquiry, the proceedings, conciliation or the action taken etc. should not be made public or published and the names or addresses should not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity or any other particulars, which may lead to the identification of the aggrieved woman and witnesses.
- If the person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action to be taken under the provision of this Act, does not comply with the above-mentioned clauses action is taken as per the Standards of conduct.

## **Roles and Responsibilities**

### **Of the Company**

- Treat sexual harassment as misconduct under the service rules
- Encourage respectful and dignified behaviour at the workplace
- Organise Awareness programmes on PoSH
- Make information, policies and procedures available to employees via the Web and internal communications
- Carry out orientation and capacity building programmes and seminars for the members of the ICC
- Declare the names and contact details of all the members of ICC
- Ensure that necessary facilities and information are provided to the ICC for dealing with the complaint and conducting an inquiry

- Assistance to the Complainant if the Complainant chooses to file a complaint in relation to the offence under the Indian Penal Code
- Monitor the timely submission of reports by ICC and include in its report the number of cases filed (if any) and their disposal and intimate such number of cases to the District Officer.

### **Of the ICC**

- Follow the principles of natural justice and treat the Complainant, Respondent, witnesses and related persons to the inquiry with dignity and respect and give both the Complainant and the Respondent a fair opportunity to make their submissions
- Submit to the Company an annual report comprising details of all cases and actions taken
- To make efforts to ensure that the Complainant and the witnesses are not further victimised or discriminated against while the complaint is pending
- Keep the matter confidential and assist the aggrieved Individual in filing the complaint, in case the person is unable to do so
- To ensure the safety of the Complainant and witnesses during the pendency of the enquiry and till the final disposal of the complaint, if the Respondent intimidates the Complainant or witnesses
- If an employee faces sexual harassment outside of the company work and work premises, assist them in filing a complaint in the police station as appropriate
- To keep complete and accurate documentation of the complaint, its investigation and the resolution thereof.

### **Of the Employee**

- Refusing to participate in any activity which constitutes harassment
- Supporting the person to reject unwelcome behavior
- Supporting the person if he/she is sexually harassed
- Acting as a witness if the person being harassed decides to lodge a complaint
- Participate in the PoSH programme
- Seek clarification on PoSH including what constitutes Sexual Harassment
- Understand the process of giving complaint

- Acknowledgement that the policy is understood
- Support/co-operate during any investigation as part of the inquiry process and provide a full and truthful disclosure of relevant information and assist with investigations
- Be aware of and abide by laws applicable to them, their job and the company policies and procedures
- Be aware that the company will take allegations seriously and will ask their cooperation in an investigation if they bring a complaint forward
- Participate in the procedure of investigation if a complaint is brought forward, it will be reviewed
- Handle information related to known or suspected violations of this policy in a discreet and confidential manner and not attempt to investigate the information or suspected violations of this policy on their own i.e. without involving the ICC

### **Of the Manager**

Manager is a reporting authority or anyone who is responsible for the outcome of work and has a reporting relationship with the Complainant in the Company. Manager has the same duties as the employee, as well as these additional responsibilities as a custodian of the organization's values, Code of Conduct and statutory guidelines. If an Aggrieved Individual has conveyed about sexual harassment to the manager, it is the responsibility of the manager to encourage the Complainant to give it in writing to him/her and the ICC.

- Encourage employees to attend the PoSH Awareness programme and ensure that employees are adequately informed about the Policy
- Bring the written complaint immediately to the ICC, and provide all kinds of support for the further investigations as a part of the inquiry process
- Have adequate knowledge about applicable laws, and answer questions regarding relevant policies and procedures
- Clarify doubts on PoSH
- Support employees if they are sexually harassed
- Immediately forward any report or complaint of an alleged violation of this Policy and all relevant or requested information to the ICC
- Keep disclosed information confidential. Handle information in a discreet manner, and disclose confidential information strictly on a need-to-know basis only

- Not attempt to investigate or verify the information unless instructed by the ICC or Legal Department personnel in charge of the investigation and the ICC
- Fully cooperate, facilitate and aid the prompt handling of an investigation by ICC, the Legal Department or the management
- Allow the complainant, respondent, witnesses and allied parties to attend the inquiry proceedings at the stipulated time and place
- Carry out all corrective measures and remediation established in the final decision
- Ensure no retaliation and zero tolerance to sexual harassment or inappropriate conduct

### **Support provided by the Management to the Complainant**

- Provide a safe working environment at the workplace which also includes employees, visitors, clients or any other internal or external individuals
- Provide assistance to the complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code
- Assist the complainant to initiate action under the Indian Penal code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place
- Treat sexual harassment as a misconduct under the Standards of Conduct

### **Confidentiality**

The strictest confidentiality will be observed, therefore restricting all information generated to the smallest possible group. It must be ensured that the process is brief and quick. Any attempt by the members of the ICC or the witnesses or any other persons involved in the inquiry to discuss or disclose this information to anyone except those directly involved with the Complaint will be treated with disciplinary action. The contents of the complaint made the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken on the Respondent shall not be published, communicated or made known to the public, press and media in any manner. If the same is violated, the Company shall recover a sum of Rupees five thousand as penalty from such person or take action as per the provisions of the service rules. However, information may be disseminated regarding the justice secured to any victim

without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.

## **Evaluation**

The Policy should be evaluated so that any amendments required may be recommended by the ICC based on their experience of dealing with Complaints. This exercise may be an annual exercise at the minimum. The Policy will have to be flexible, as each situation will throw up situations that the Policy will not cover.