

Policy on prevention, prohibition and redressal of sexual harassment of women at workplace

1. Introduction

CyberTech Systems & Software Limited (“The Company”) is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and any apprehension of sexual harassment. The Company recognizes the fundamental rights of woman under Article 14, 15 and 21 of the Constitution of India and believes that sexual harassment results in violation of such fundamental rights. The Company is committed to provide a work environment which is free from sexual harassment.

2. (a) Policy Statement / Objectives

This policy aims to prohibit and prevent sexual harassment of women at the workplace, lays down procedures to curb such tendencies and provides a redressal mechanism. This policy is framed to remove underlying factors that contribute towards a hostile working environment against women and to provide a safe working environment.

(b) Responsibilities regarding sexual harassment:

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.

3. Coverage/ Scope

This policy is framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for safeguarding women. This policy applies to all employees of the Company across all locations/workplaces of the Company.

4. Definitions

In this policy, unless the context otherwise requires –

“**Act**” means The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 including Rules framed thereunder, including any amendment thereto.

“**Complaint**” means a written statement duly signed by the complainant describing the Sexual Harassment.

“**Complainant / Aggrieved Woman**” means a woman of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by another Employee. Thus, Aggrieved Woman can be an employee or a third party who has been subject to said complaint.

“**Employee**” means a person employed at Company’s workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the Company, 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, but does not include domestic workers working at home of any Employee.

“Internal Committee” means an Internal Complaints Committee constituted by the management as per Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

“Respondent” means an employee against whom the Complainant has made a Complaint.

“Workplace” shall mean to include any place where the employee works or visits during the course of employment and such place being under the control of the Company, including Hotels, Guest House, etc. where the employee is required to stay during the course of employment and transportation provided by the employer for undertaking work-related journeys.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured 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 they occur, or are present in relation to or connected with any act or behavior of sexual harassment may also amount to sexual harassment i.e.:-

- 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.

5. Internal Committee :

- (i) For redressal of complaints related to Sexual Harassment made by the Complainant , a committee called the “Internal Committee” is created at all locations where the workplace is situated.
- (ii) The “Internal Committee” has the following composition:
 - a) Presiding Officer who shall be a woman employed at a senior level at the workplace.

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace;

- b) Not less than two Members from amongst employees, preferably committed to the cause of women or who have experience in social work or have legal knowledge;
- c) One 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;

Provided that at least one-half of the total members so nominated shall be women.

- (iii) The Presiding Officer and every other Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of nomination as may be specified by the management. If it is not possible to induct new members on the Internal Committee due to certain reasons (like limited number of employees who have experience in legal matters and women's issues/ senior level women employees), the Board / Management shall decide on the re-appointment of the Presiding Officer and members of the Internal Committee.
- (iv) The quorum for the Internal Committee will be at least 3 members including the Presiding Officer.
- (v) The composition of the Internal Committee shall be intimated through the notice Board of respective locations or through the internal communication portal.

6. Complaint, Inquiry & Redressal Mechanism

- (i) Any aggrieved woman may make, in writing (hard copy or through email with attachment of all supporting documents), a complaint of sexual harassment at the workplace to the Internal 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 the last incident. In cases where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the aggrieved woman for making the complaint in writing. The Internal Committee may extend the time limit, not exceeding another three months, if it is satisfied that the circumstances were such that they prevented the aggrieved woman from filing a complaint within the said period and such extension along with reasons should be recorded by the Internal Committee. The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.

If complaint has to be made against any member of IC then same shall be made to all presiding officers. At the time of filing the complaint, the Complainant shall submit to the Internal Committee six copies of the complaint along with supporting documents and names and addresses of the witnesses, and the documents shall be put in a sealed envelope addressed to "The Presiding Officer, Internal Committee" at the respective location. The complaint can be made by email addressed to email ids communicated and / or displayed as specified in point 5 (v) above. However, if the complaint is made by email, the email should contain supporting documents duly signed as attachment and

should be followed by hard copies of documents addressed to “The Presiding Officer, Internal Committee” at the respective location.

- (a) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by (a) her relative or friend; or (b) her coworker; or (c) an officer of the National Commission for Women or State Women’s Commission; or (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
 - (b) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (a) her relative or friend; or (b) a special educator; or (c) a qualified psychiatrist or psychologist; or (d) the guardian or authority under whose care she is receiving treatment or care; or (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
 - (c) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
 - (d) Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident with her written consent.
- (ii) On receipt of such complaint, the Internal Committee will endorse the Complaint received by it in a register maintained under this policy and shall keep the contents of the complaint confidential. The Committee shall send one of the copies of the complaint received from the aggrieved woman to the Respondent within a period of seven working days.
 - (iii) The Respondent shall file his reply to the complaint along with his/her list of documents, and names and addresses of the witnesses, within a period not exceeding ten working days from the date of receipt of documents under Para (ii) of Clause 6 above.
 - (iv) The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
 - (v) The Internal Committee shall hold a meeting with the Complainant within 15 (fifteen) days of the receipt of the complaint. At the said meeting, the Committee shall hear the Complainant and record her allegations. The Committee shall also take into record all documents provided by the Complainant with respect to the Complaint.
 - (vi) Thereafter, the Internal Committee will also hold a meeting with the Respondent within 7 (seven) working days after hearing the Complainant. At the said meeting, the Committee shall provide an opportunity to the Respondent to defend himself against the allegations made by the Complainant. The Internal Committee shall take into record all documents provided by the Respondent with respect to the complaint.
 - (vii) The Internal Committee shall record all the proceedings of the Enquiry and all members present in the meeting shall endorse the same in token of authenticity thereof, a copy of which will be provided to the parties.

- (viii) The Internal Committee shall provide fair and reasonable opportunity to the Complainant and to the Respondent.
- (ix) As far as possible, the Enquiry shall be conducted in the presence of both the Complainant and the Respondent.
- (x) The Internal Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving notice in writing, fifteen days in advance, to the party concerned.
- (xi) At the request of the Complainant, if the Internal Committee is of the opinion that the matter can be resolved through conciliation, the Internal Committee shall take steps to settle the matter through conciliation. If a settlement is arrived at, then the Internal Committee shall record the settlement in writing and send the same to the Head - Corporate HR with its recommendations and shall provide the copies of the said settlement as recorded to the aggrieved woman and the Respondent, and no further inquiry shall be conducted by the Committee. Settlement does not mean monetary settlement.
- (xii) Provided that where the aggrieved woman informs the Internal Committee that the terms or conditions of the settlement have not been complied by the Respondent, the Committee shall proceed to make an inquiry into the complaint or forward the complaint to the police.
- (xiii) If the matter cannot be settled through conciliation, inquiry shall be conducted by the Internal Committee.
- (xiv) During the course of inquiry, if the Complainant or the Respondent desires any witness/es to be called, she/he shall communicate in writing to the Internal Committee, the names of witnesses, she/he proposes to call.
- (xv) The Internal Committee shall, after hearing all concerned parties and examining all documents and evidences, provide a report of its findings to the Head – Corporate HR within a period of 10 days after completion of inquiry. Such reports shall also be made available to the concerned parties.
- (xvi) In case the complaint does not fall within the purview of the definition of Sexual Harassment, the Internal Committee shall recommend to the Head - Corporate HR that no action is required to be taken in the matter and drop the complaint after recording the reasons thereof. However, if the Committee considers that the allegation against the Respondent amounts to Sexual Harassment, and if the said allegation is proved, it shall

recommend that to the Head - Corporate HR and consider it Sexual Harassment and that necessary action be taken against the Respondent.

The internal committee shall also recommend the action to be taken against the Respondent. The disciplinary action may include a written apology from the guilty, a warning letter, a reprimand, monetary compensation, withholding of promotion/increment or termination of services. The action shall be taken by Head – Corporate HR in consultation with the Executive Director within a period of 60 days of receipt of recommendations from the Internal Committee.

- (xvii) If, in the course of the proceedings before it, the Committee is satisfied that a prima facie case of sexual harassment is made out against the Respondent and that there is a chance of recurrence of any similar action, or that it is required to do so in the interests of justice, it may, on the request of the Complainant or otherwise, direct the transfer of such employee(s) from their present position, or even their suspension, pending the inquiry. Such decision shall be binding on the parties and shall be immediately implemented by the Head of HR in consultation with the Executive Director and the Chairman of the Company.
- (xviii) In case the Internal Committee arrives at the conclusion that the allegation against the Respondent is false or malicious, or that any witness has given false evidence or the Complainant/witness has produced any forged or misleading document, it may recommend that the Head of HR take necessary action against the Complainant or the witness, as the case may be.
- (xix) Upon the receipt of the said recommendation from the Internal Committee, the Head - Corporate HR in consultation with the Executive Director shall take all necessary action as may be required within 60 (sixty) days of its receipt from the Internal Committee. The Head – Corporate HR shall forthwith communicate to the Internal Committee once the action is taken so that the Committee shall record the same in writing.
- (xx) Each complaint shall be resolved through completion of inquiry within a period of 90 days (unless there are genuine reasons for extension) after the receipt of the complaint.
- (xxi) During the course of the inquiry, the parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
- (xxii) The principles of Natural Justice shall be followed in conducting the enquiry.
- (xxiii) If in the opinion of committee, the complaint is of such a nature that requires action under Indian Penal Code or is a criminal offense, the matter can be referred by the Internal Committee to the police.

7. Confidentiality

In accordance with this Policy, the contents of the Complaint made by the Complainant, the identity and addresses of the Complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Company shall be kept confidential and shall not be published, communicated or made known to the public, press and media in any manner. In case any member of the Internal Committee or any other person, who is being entrusted with the duty to handle or deal with the complaint, inquiry or any action under this Policy, contravenes the said confidentiality provision, he/she shall be liable for penalty/suitable action as may be decided by the Internal Committee excluding such member who has contravened the said provision.

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

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 complainant or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

8. Action for false or malicious complaint and false evidence

Where the Internal Committee arrives at a conclusion that the complaint against the Respondent is malicious or the aggrieved woman employee or any other person on behalf of her making the complaint has made the complaint knowing it to be false, or the aggrieved woman or any other person on behalf of her making the complaint has produced any forged or misleading document, it may recommend to the employer, as the case may be, to take action against such woman employee or any other person representing her who has made the complaint, in accordance with the provisions of the service rules applicable, or where no such service rules exist, in such manner as may be prescribed by the Internal Committee.

Provided that a mere inability to substantiate a complaint or provide adequate proof should not attract action against the Complainant.

9. Amendments & Interpretation

- (i) This policy is subject to modification, amendment and alterations, review in part or whole, by the Management / Board, within the ambit of the current law in force relating to Prevention of Sexual Harassment of Women at the workplace. However, the amended policy shall not be effective until the same is in writing, replacing the existing policy and having been communicated to all concerned;
- (ii) This Policy is subject to any law for the time being in force relating to Sexual Harassment of Women at the workplace;
- (iii) Singular shall also mean plural and vice versa; and

(iv) In case of any changes in the provisions of the Act and rules made thereunder, the same shall apply mutatis mutandis to this policy and the policy should be amended to that effect.

The Policy is updated pursuant to periodical review by the Board of Directors as on February 04, 2019.

Internal Committee was reconstituted at the meeting of the Committee held on February 06, 2018 as follows:

Name of the Member	Designation
Ms. Sarita Leelaramani	Chairperson of the Committee
Ms. Mini Thomas	Member
Ms. Pranali More	Member
Ms. Vibha Belwal	Member
Mr. Harish Chalam	Member