

RADAAN MEDIAWORKS INDIA LIMITED

Policy on Redressal of Sexual Harassment of Woman at Work place

OBJECTIVE:

At Radaan, it has been the constant effort of all the employees in creating conducive work environment where the relationship between male and female employees is extremely cordial. However, this policy has been framed in line with the provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules there under, with a view to create enhanced awareness among the employees, to promote an excellent, comfortable environment, and to provide mechanism for redressal in case of any complaint of sexual harassment at the workplace.

DEFINITIONS

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

- 1) Physical contact and advances; or
- 2) A demand or request for sexual favours; or
- 3) Making sexually coloured remarks; or
- 4) Showing pornography; or
- 5) Any other unwelcome physical, verbal or non verbal conduct of sexual nature.
- 6) 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:-
 - (a) implied or explicit promise of preferential treatment in her employment; or
 - (b) implied or explicit threat of detrimental treatment in her employment; or
 - (c) implied or explicit threat about her present or future employment status; or
 - (d) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - (e) humiliating treatment likely to affect her health or safety.

‘Employer’ with relation to the Company shall mean the Board of Directors, the Managing Director / the Chief Executive Officer / the Whole Time Director of the Company.

‘Employee’ shall mean a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, includes a co- worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

'Internal Committee' shall mean the Internal Complaint Committee (ICC) as constituted by the Company to investigate/ inquiry into the complaints of Sexual Harassment by any aggrieved woman and to settle the matter.

'Aggrieved Woman' in relation to a workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

'Respondent' shall mean a person against whom the aggrieved woman has made a complaint.

'District Officer' means a District Magistrate or Additional District Magistrate or the collector or Deputy Collector as may be notified by the Government, for every District to exercise powers or discharge functions under The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013.

"Workplace" means the registered office situated at No.10, Paul Appasamy Street, T.Nagar, Chennai - 17, or any other place to which the registered office, may be shifted from time to time, and includes other offices, branches, units, places from where the commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution, service activities are carried on by the Company and any other place visited by the employee arising out of or during the course of employment including transportation provided by the company for undertaking such journey.

CONSTITUTION AND FUNCTIONS OF INTERNAL COMPLAINT COMMITTEE

The company shall constitute an Internal Complaints Committee to inquire into and redress the complaints of sexual harassment at the workplace. The Internal Complaints Committee shall consist of:

1. A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employee;
2. Minimum two members from amongst the employee preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
3. One member from amongst NGO's or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least half of the total Members so nominated shall be women. The quorum of ICC meetings shall be 3 including Chairperson/Presiding Officer.

The Presiding Officer and every member of Internal Complaint Committee shall hold office for a period not more than 3 years from the date of their nomination.

The NGO member shall be entitled for such payments as may be mutually agreed.

Disqualification:

Where the presiding officer or any member of the Internal Committee:-

- a. Contravenes the provisions of section 16 of the act;
 - b. Has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him;
 - c. He has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - d. Has so abused his position as to render his continuance in office prejudicial to the public interest;
- such presiding officer or member, as the case may be, shall be removed from the Committee.

Procedure for grievance redressal complaint:

The ICC shall follow the procedures hereunder subject to the authority and power entrusted under the Act and the Rules from time to time.

The aggrieved woman may make, in writing, a complaint of sexual harassment at the workplace to the Internal Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident. The complaint can also be routed through the women representatives at respective locations. The Internal Committee shall render all the reasonable assistance to women for making the complaints in writing. This time limit may further be extended for 3 months if the ICC is satisfied that there were circumstances that prevented the woman from filing a complaint within the specified timeline.

A. Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by

- i. her relative or friend;
- ii. her co- worker;
- iii. an officer of the National Commission for Women or State Women's Commission; or
- iv. 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

- i. her relative or friend; or
- ii. a special educator; or

- iii. a qualified psychiatrist or psychologist; or
- iv. the guardian or authority under whose care she is receiving treatment or care; or
- v. 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 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.

D. 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.

Settlement through conciliation:

The Committee, before initiating the inquiry, may at the request of the aggrieved woman, will take steps to settle the matter between her and the respondent through conciliation. However, such conciliation shall not include any monetary settlement. Wherever such settlement has been arrived at, the ICC shall record it and send the same to the employer to take action as per its recommendation. The ICC shall provide copies of settlement to aggrieved woman and the respondent. Once such settlement has been arrived at, no further enquiry shall be conducted by the Internal Committee, however, a woman can further refer the same to Internal Committee for redressal if the terms of settlement have not been complied with and thereupon the ICC shall proceed to make an inquiry thereof.

Manner of complaint and Inquiry:

1. The Complainant shall submit 6 copies of complaint with ICC along with supporting documents and the name(s) and address(s) of the witnesses, if any.
2. The ICC shall send one copy of the complaints to the respondent within 7 days of receipt of complaint.
3. The respondent shall file his reply along with his list of documents and the name(s) and address(s) of the witnesses, if any within 10 days of receipt of complaint copy from ICC.
4. The Committee, while inquiring the complaint referred to it, will call upon both the parties separately, listen, look at proof (if any), verify documents produced by the parties, allow the parties to produce witnesses and to put forth their say. Both the parties during the course of enquiry shall be given an opportunity of being heard.
5. ICC 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 Chairperson of the presiding officer. However, a written notice of

15 days shall be given in advance by ICC before terminating or giving ex-parte decision.

6. The Internal Complaints Committee will protect the identity of all individuals involved during the process, identity and the address of the aggrieved woman, respondent, and witnesses and contents of complaints and its enquiry proceedings, reports, recommendations etc., action taken by the employer and all these information shall not be communicated or made known to the public, press and media in any manner. In case any person entrusted to protect the aforesaid information, contravenes it, the employer shall recover Rs.5000/- as penalty from him.

7. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.

8. At the end of the inquiry, the Committee shall prepare a report of findings on the complaint and provide a copy of such report to the employer, aggrieved woman and the respondent within 10 days from the date of completion of enquiry.

9. In case the Internal Complaints Committee on conclusion of the enquiry finds that the allegation was malicious or has made the complaints knowing it to be false, or has produced any forged / misleading document, it will recommend to the employer to take such actions which are prescribed to be taken in case of allegation against the respondent has been proved under this policy against the woman who has made the malicious complaint. In all such cases the malicious intent on the part of the woman must be established before any action is recommended.

10. The inquiry shall be completed by ICC within a period of ninety days of receiving the complaint.

11. The employer shall act upon the recommendation of ICC upon completion of inquiry within 60 days of its receipt by him.

Relief

During the pendency of inquiry, on a written request made by the aggrieved woman, the ICC may recommend to the Management/Employer to:

- i. Transfer the aggrieved woman or respondent to any other workplace.
- ii. Grant leave to the aggrieved woman upto the period of 3 months (over and above the entitled leave under company policy).
- iii. Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another office.

The employer shall implement the recommendations of ICC and send the report of implementation to the Internal Complaints Committee.

On completion of inquiry:

A. If the allegation has not been proved, ICC shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

B. If the allegation against the respondent has been proved, the committee shall recommend to the employer:-

- Actions in accordance with misconduct mentioned in service rules / appointment letter;
- Issue a verbal and or written warning;
- Issue a suspension;
- withholding of increment or promotion;
- To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the respondent the such sum as it may consider appropriate to be paid to the aggrieved woman or her legal heir;
- Termination from Services or undergoing a Counselling session or to carry out community services.

Annual Report of ICC

The Internal Committee shall in each calendar year prepare, in the prescribed form and time, an annual report and submit the same to the employer and District Committee. The report shall have the following details:

1. Number of Complaints of sexual harassment received in the year;
2. Number of Complaints disposed off in the year;
3. Number of cases pending for more than 90 days;
4. Number of workshops or awareness programme against the sexual harassment carried out;
5. Nature of action taken by the employer.

DUTIES OF THE EMPLOYER

The legislation also provides certain duties of the employer including providing safe working environment at the workplace, displaying the constitution of Internal Committee and consequences of sexual harassments, organizing workshops and awareness programme, providing assistance and facilities to the Internal Committee, assistance to the woman in filing a complaint in relation to the offence under Indian Penal Code etc.

The employer is also required to include the particulars of the annual report of the ICC in the annual report of the organisation.