



Policy for Prevention of Sexual Harassment at Workplace

Version 1.7

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POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

*Silverskills Private Limited (“**Silverskills**”) as a company is committed to provide a non-discriminatory, non-hostile and harassment free work environment to all its employees. Sexual harassment in any form is prohibited and can lead to disciplinary action including dismissal. Silverskills has had a policy to prevent Sexual Harassment at the Workplace since 2004. The revised policy incorporates the provisions of recent legislation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**Act**”).*

OBJECTIVE / PURPOSE:

The purpose of this policy is to:

- (a) Promote a Workplace based on equality & respect;
- (b) Provide a safe and congenial work environment;
- (c) Create awareness & sensitization about sexual harassment at workplace;
- (d) Prevent sexual harassment;
- (e) Provide for formal and informal mechanism to investigate into and redressal of complaints of sexual harassment at workplace;
- (f) Define the implications and outcome of sexual harassment;
- (g) Ensure protection for retaliation against complainants, witnesses, Committee members and other employees involved in prevention and complaint resolution; and
- (h) Be compliant with the provisions of the Act.

SCOPE:

This policy shall be applicable to:

- (a) all employees of Silverskills which includes persons engaged by Silverskills on contractual basis, on short term engagement, as temporary, as apprentice, as trainees, whether or not operating from Silverskills Workplace;
- (b) any Vendor/Supplier/Contractor including their agents, supervisors, managers and their employees; and
- (c) visitors on Silverskills premises who have dealings with Silverskills.

IMPORTANT DEFINITIONS:

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

- a. Physical contact and advances; or
- b. Demand or request for sexual favors; or
- c. Sexually colored remarks; or
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, which shall include but is not limited to sexually loaded comments, remarks or jokes, letters, phone calls or e-mails, SMS's, gestures, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature, which have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive company environment.

Further, the below mentioned circumstances, if occurs or are present in relation to or connected with any acts or behavior of Sexual Harassment, may also 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 present or future employment status; or
- (iv) Interference with work or creating an intimidating or offensive or hostile work environment for a woman; or
- (v) Humiliating treatment likely to affect a woman's health or safety.

“Workplace” includes all the administrative locations of Silverskills and also includes any place visited by the employees of Silverskills arising out of or during the course of employment including transportation provided by the Silverskills.

“Aggrieved Woman” means 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” means a person against whom the aggrieved woman has made a complaint.

STATEMENT OF SEXUAL HARASSMENT POLICY:

“No person covered under this policy shall be subjected to Sexual Harassment at the Workplace. Sexual Harassment at the Workplace is a grave offence and is, therefore, punishable.”

The Company views Sexual Harassment very seriously and notwithstanding anything contained in any other policy of the Silverskills, the following acts shall constitute a ‘misconduct’ and breach of ethical behavior:

- (a) Sexual Harassment.
- (b) Harassment or intimidation of a complainant or witness or other person in connection with a Sexual Harassment complaint.
- (c) Disclosure of the identity or address of the complainant, the person complained against or any witness or any other confidential information or material in connection with a Sexual Harassment complaint;
- (d) Making of a complaint of a Sexual Harassment that is false to the knowledge of the complainant or is based on forged or misleading documents to the knowledge of the complainant. However, it is clarified that a mere inability to substantiate a complaint or provide adequate proof will not constitute ‘misconduct’ or a breach of ethical behavior;
- (e) Giving of false evidence or producing any forged or misleading document before the Internal Complaints Committee.

COMMITTEE TO HANDLE SEXUAL HARASSMENT COMPLAINTS:

- (i) Silverskills hereby constitutes an Internal Complaints Committee (hereinafter referred to as “the Committee” or “ICC”) to investigate complaints of Sexual Harassment at the Workplace.
- (ii) The tenure of the Committee members shall not exceed 3 (three) years from the date of their nomination.
- (iii) The Committee shall consist of the following and at least one-half of the total members of the Committee shall be women:

A Chairperson	Senior woman employee.
Not less than 2 Members	Amongst the employees preferably committed to the cause of women or have experience in social work / legal knowledge.
1 Member	Representing an NGO or associations committed to the cause of woman or is a person familiar with the issues relating to sexual harassment.

- (iv) Please refer Annexure – 1 for the list of members forming part of the current forum.
- (v) The chairperson shall have the power to appoint other members of the ICC, including third party member having regard to the location of the Workplace from where complaint is received and designate a member as Secretary of the Committee. Further, at each location & each city, there will be a women representative (as mentioned on).
- (vi) The member appointed from amongst non-government organizations shall be entitled to allowance and also the reimbursement of travel costs as per the provisions made in this regard under Rule 3 of the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
- (vii) All complaints shall be investigated in a sensitive and confidential manner without disclosing the identity of the complainant, the person complained against or any witness or any other confidential information or material in connection with a sexual harassment complaint.

GRIEVANCE REDRESSAL MECHANISM:

- (1) The grievance redressal mechanism comprises of formal as well as informal redressal systems, which reiterates the preventive focus of this policy. Given that, there is a need to distinguish between an informal and formal process.
- (2) Informal processes normally involve an intermediary means for resolving a problem. In the case of Sexual Harassment, at first instance, the HOD / HR / Woman representative of the location may be the point of contact for anyone seeking informal support / intervention to stop unwelcome behavior.
- (3) Process that can be adopted is as follows:
 - 1. **PI. Note:** A sense of restraint and responsibility on the part of all concerned is critical for the effective functioning of these guidelines.
 - 2. Convey to the person who is the cause of distress about what that person's actions, words, behavior is doing and convey in no uncertain terms that such behavior is not appreciated.

Guiding Principle: What is important is the “Way” a particular behavior, action or word is perceived; “Intent” is of no consequence.

3. The second step would be to approach someone within the organization – preferably your Superior or HOD or HR or Woman representative of the location, who in turn would try and counsel / talk it over with a view towards closing the matter amicably.
4. In any case all such incidents along with the resolution, needs to be reported to the HR Head who will then provide a short report to the ICC and the matter will be closed.
5. However, in the event of it not being resolved, then it would need to be escalated to the ICC.

(4) Benefits of an informal process are:

- It is consistent with the preventive approach.
- It helps to diffuse a minor incident without diluting as also escalating the problem.
- Often people just want unwelcome behavior to stop without drawing undue attention and an informal process makes this option more possible.
- It involves employees to share in the responsibility of eliminating unwelcome behavior at workplace.

PROCEDURE FOR FORMAL GRIEVANCE REDRESSAL TO BE FOLLOWED BY ICC:

In the event of the complaint not being resolved through informal mechanism, then it would need to be escalated to the ICC for redressal. The Committee will then inquire into the complaints of Sexual Harassment received, in the manner mentioned in Annexure – 2 and will submit with the Silverskills’ management, the recommendations and its report for further action, if any, within ninety days of the receipt of the complaint. The Committee’s report will also contain recommendations on action, if any, required to be taken on the complaint and also corrective, preventive and other actions, if any, required from the Silverskills.

The ICC will protect the identity of all individuals involved during the process and contents of complaint and inquiry proceedings.

Please Note: The ICC will not entertain any anonymous complaints.

ANNUAL REPORT

In each calendar year, the Committee shall prepare an annual report and submit the same to the Silverskills’ management and the District Officer. The annual report shall include the following information or such other information as may be prescribed by the appropriate government from time to time:

- (a) Number of complaints of sexual harassment received in the year;
- (b) Number of complaints disposed off during the year;
- (c) Number of cases pending for more than ninety days;
- (d) Number of workshops or awareness programme against sexual harassment carried out;
- (e) Nature of action taken.

SILVERSKILLS' MANAGEMENT RESPONSIBILITY:

- (a) To nominate and appoint chairperson of the Committee from time to time;
- (b) To act upon the recommendations of the Committee within a period of 60 (sixty) days of the date of receipt of the Committee's report;
- (c) To ensure compliance with all the requirements of the Act;
- (d) To ensure that the statement of the policy including the Committee members' information and the penal consequences of Sexual Harassment are displayed on the notice boards of all its administrative locations and on Silverskills intranet as well;
- (e) To organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and training programs for the members of the Committee to effectively handle the complaints in the manner prescribed in the Act and the rules made there under;
- (f) To arrange for preparation and filing of Annual Report by the Committee;
- (g) To make it a part of the Corporate Induction process; and
- (h) Appropriate government can call upon companies / inspect records related to Policy on Sexual Harassment and its implementation.

POLICY REVIEW

The policy may be reviewed at the end of each calendar year by the Finance-Head of the Company to ensure that it remains consistent with the overall objectives of Silverskills and with the laws then in force. The policy may be reviewed at shorter intervals if the law pertaining to sexual harassment changes before the stipulated time of review.

This policy supersedes the existing policy of Silverskills on Prevention of Sexual Harassment.

DOCUMENT HISTORY

Version	Prepared by	Approved By	Effective date
1.0	Navneet Khanna	Security Committee	7th April 2014
Modification Details	Date	Description of Change	
Version 1.0	7th April 2014	Creation of policy document	
Version 1.1	29th January 2016	Updation of list of members of ICC Committee	
Version 1.2	13th July 2017	Updation of list of members of ICC Committee	
Version 1.3	21st December 2017	Updation of list of members of ICC Committee	
Version 1.4	18th October 2018	Updation of list of members of ICC Committee	
Version 1.5	30th August 2019	Updation of list of members of ICC Committee	
Version 1.6	31st July 2020	Updation of list of members of ICC Committee	
Version 1.7	29thSeptember 2021	Updation of list of members of ICC Committee	

ANNEXURE -1
LIST OF MEMBERS OF INTERNAL COMPLAINTS COMMITTEE

S. N O.	NAME	DESIGNATION	CAPACITY	TEL. NO.	E-MAIL
1	Sharmishta Sharma	Manager- Learning & Development	Chairperson	0124-2398392	sharmishta.sharma@silverskills.com
2	Sushmita Chakorborty	Representative of NGO	Member	-	sush0304@gmail.com
3	Nomita Garg	Operations	Member	0124-2398392	nomita.garg@gmail.com
4	Sudhir Jathanna	Chief Operating Officer	Member	0124-2398392	sudhir.jathanna@silverskills.com
5	Ravinder Jangra	Manager Legal	Member	0124-2398392	ravinder.jangra@silverskills.com

ANNEXURE -2**PROCEDURE FOR FORMAL GRIEVANCE REDRESSAL**

In the event of the complaint not being resolved through informal mechanism, then it would need to be escalated to the Internal Complaints Committee for redressal:

1. The aggrieved woman may make, in writing, a complaint of sexual harassment at the Workplace to the ICC within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident. The complaint can also be routed through the women representatives at the respective locations. The ICC will render 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.
2. Where an aggrieved woman is unable to make a complaint on account of her physical incapacity, mental incapacity or any other reason or where the woman is dead, then the complaint may be filed by the persons prescribed under Rule 6 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
3. The complaint shall be accompanied by supporting documents, if any and names & addresses of the witnesses, if there are any.
4. On receipt of the complaint, the ICC shall send copy of the complaint to the respondent within a period of 7 working days.
5. The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding 10 working days from the date of receipt of the documents specified in Pt. 3 above.
6. The ICC, before initiating the inquiry at the request of the aggrieved woman, will take steps to settle the matter between her and the respondent through mutual settlement. Wherever such settlement has been arrived, the ICC shall record it and send the same to the Silverskills Management to take action as per recommendation. Once such settlement has been arrived at, no further inquiry shall be conducted by the ICC, however, a woman can further refer the same to ICC for redressal if the terms of settlement have not been complied.
7. The ICC will make inquiry into the complaint in accordance with the service rules and principles of natural justice.
8. 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 are given an opportunity of being heard.
9. At the end of the inquiry, the Secretary of the Committee shall prepare a report of findings on the complaint and submit it to the Chairperson of the Committee. The findings of the report should be made available to the respondent and aggrieved woman within 10 working days from the date of completion of enquiry.
10. The Chairperson of the Committee shall ensure that the inquiry is completed within 30 working days.
11. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Committee may recommend to HR:
 - To transfer the aggrieved woman or person accused to any other location or department or process of work;
 - To grant leave to the aggrieved woman up to the period of 3 months (over and above the entitled leave);

- To grant such other relief to the aggrieved woman as may be prescribed.
12. The Chairperson after studying the report & after discussion with the ICC members shall submit her recommendation to the Silverskills Management within 10 days of completing the inquiry.
 13. The implementation of the recommendation of ICC by Silverskills Management should be done within 30 days of receipt of such recommendation.
 14. Pursuant to a finding of Sexual Harassment by the Committee against any person accused of the same, the Committee may initiate any one or more of the following actions:
 - Actions in accordance with misconduct mentioned in HR manual / service rules / appointment letter;
 - Issue a verbal warning;
 - Issue a warning in writing;
 - Issue a suspension;
 - Deprived of increment or promotion;
 - To deduct, notwithstanding anything in the HR manual / service rules applicable, from the salary or wages of the accused person such sum as it may be considered appropriate to be paid to the aggrieved woman;
 - Order dismissal depending upon the severity & sensitivity of the incident;
 - Financial penalty (in accordance with the mental, physical trauma, loss of career opportunity, medical expenses) in lump sum or in instalments.
 15. The 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 Chairperson. However, such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance to the party concerned.
 16. 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 ICC.
 17. In conducting the inquiry, a minimum of three members of the ICC including Chairperson shall be present.
 18. In case the ICC 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 action to be taken by Silverskills' Management against the woman who has made the complaint. In all such cases the malicious intent on the part of the woman must be established before any action is recommended.
 19. The ICC will protect the identity of all individuals involved during the process, including the aggrieved woman and respondent and contents of complaints and enquiry proceedings.