

# Cyclops Enterprise Policy on Prevention of Sexual Harassment (PoSH) of women at workplace

## 1. Introduction

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”). An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business with includes a right to a safe environment free from sexual harassment.

“Cyclops Enterprise” believes that the success of a company is based on our people. We treat each other with equality, respect and dignity and expect everyone to promote a sense of personal responsibility. We firmly believe the protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India

We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.

## 2. Scope:

Cyclops Enterprise aims to adopt zero tolerance attitudes against any kind of Sexual Harassment or discrimination caused by any employee during their tenure in Cyclops Enterprise towards any other person being an employee of Cyclops Enterprise, Client, Vendor and Contractor in Company premises.

## 3. Definitions

i. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers.

It may also occur between a Cyclops Enterprise employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

“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 colored remarks about a person's clothing or body; or

- (iv) showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
  - (vi) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
  - (vii) Giving gifts or leaving objects that are sexually suggestive;
  - (viii) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
  - (ix) Persistent watching, following, contacting of a person; and
- b) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment: -
- (i) Implied or explicit promise of preferential treatment in employment;
  - (ii) Implied or explicit threat of detrimental treatment in employment;
  - (iii) Implied or explicit threat about the present or future employment status;
  - (iv) Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
  - (v) Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

**ii. Aggrieved woman:** A woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

**iii. Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman

**iv. Employee:** A person employed at the 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 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 by any other such name.

**Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Cyclops Enterprise, including transportation provided for undertaking such a journey.

- v. **Employer:** A person responsible for management, supervision and control of the workplace

#### 4. Constitution of Internal Complaints Committee.

The Internal Complaint Committee shall comprise of as many members as the management may nominate from time to time, provided that at least one-half of the total number of Members shall be women.

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted at each location. The detail of the committee is notified to all covered persons at the location (workplace).

- i. The present Members of the ICC shall comprise of the following:
  - (a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees
  - (b) Two employee members 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 organisation or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
- ii. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- iii. The Member appointed from amongst the non-governmental organisation or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.
- iv. Where the Presiding Officer or any Member of the Internal Committee, —
  - (a) 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; or
  - (b) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or 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 and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

## 5. Roles & Responsibilities

### i. Responsibilities of Individual:

- a) All Cyclops employees will maintain high standards of dignity, respect, and positive regard for one another and with all those to whom this policy is applicable, in all their dealings.
- b) All Cyclops employees will understand and appreciate the rights of the individual to be treated with dignity.
- c) All Bata employees are required to maintain a work environment, which is free from any kind of harassment.
- d) Cyclops employees will refrain from committing any acts of sexual harassment at workplace.
- e) Allegations of sexual harassment will be dealt seriously, expeditiously, sensitively and with confidentiality.
- f) Cyclops employees will be protected against victimization, retaliation for filing or reporting a complaint on sexual harassment and will also be protected from false accusations.

### ii. Responsibilities of Managers:

All managers at Cyclops Enterprise must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

### iii. Responsibilities of management:

Every employer shall—

- (a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee
- (c) organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Committee in the manner as may be prescribed;
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence.
- (h) cause to initiate action, or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- (i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- (j) monitor the timely submission of reports by the Internal Committee.

iv. **Responsibilities of committee:**

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

6. **Complaint of sexual harassment:**

- i. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, 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 last incident: Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing: Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- ii. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity a complaint may be filed by –
  - (a) her relative or friend; or
  - (b) her co-worker; or
  - (c) any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Wherever possible Cyclops Enterprise ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin

7. **Conciliation.**

The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation but no monetary settlement, pressure, undue influence shall be made as a basis of conciliation.

Where settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.



The Internal Committee shall provide the copies of the settlement as recorded under to the aggrieved woman and the respondent.

Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Committee.

If the settlement does not arrive the ICC must initiate a formal enquiry into the complaint. If the settlement is reached and the Respondent does not comply with its terms, then the complaint committee must proceed with the Enquiry.

## **8. Inquiry into complaint.**

- i. An aggrieved woman ("Complainant") may lodge a complaint of Sexual Harassment ("Complaint") against an ("Respondent") who could be an employee or anyone else upon whom this policy is applicable, with any of the members of the Panel or through whistle Blower platform within time not later than three months from the date of occurrence of the alleged incident.
- ii. Provided further that where both the parties are employees, the parties shall, during the course of 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. For the purpose of making an inquiry, the Internal Committee shall have the same powers as are vested in a civil court) when trying a suit in respect of the following matters, namely: —
  - (a) summoning and enforcing the attendance of any person and examining him on oath;
  - (b) requiring the discovery and production of documents; and
  - (c) any other matter which may be prescribed.
  - (d) The inquiry under shall be completed within a period of ninety days.
- iv. Considerations while preparing inquiry report

While preparing the findings/recommendations, following are considered:

- a) Date, time and place of Incident must be clearly and unambiguously mentioned in the complaint.
- b) The complaint must disclose the acts committed by the Respondent in clear and unambiguous terms.
- c) If any specific words have been used or any gesture demonstrated by the Respondent that must be explained in detail
- d) At the time of filing the complaint, the complainant shall submit to the Complaints Committee, along with supporting documents and the names and addresses of the witnesses.
- e) If the Complainant feels that she cannot disclose her identity for any reason with the Panel members, she can address the complaint to the Managing Director/Whistle officer of the Company or management, whereupon the process shall be undertaken in accordance with law.

- f) Such a Complaint shall necessarily be in writing or video her email and the Complainant shall sign at the foot of each page of the Complaint.

**v. Manner of inquiry into complaint:**

- a) At the time of filing the complaint, the complainant shall submit to the Complaints Committee, along with supporting documents and the names and addresses of the witnesses
- b) On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.
- c) 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 ten working days from the date of receipt of the documents.
- d) The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- e) The Complaints 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 Chairperson or Presiding Officer, as the case may be:

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- f) 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 Complaints Committee.
- g) In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.

**vi. Action during pendency of inquiry:**

During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee may recommend to the employer to—

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant such other relief to the aggrieved woman as may be prescribed; or
- (c) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer; or
- (d) restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

## **9. Handling a Complaint**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- a) Complaint are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- b) Situation are not be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants' own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- c) All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- d) The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

## **10. Manner of taking action for sexual harassment**

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.



**i. In case of allegation proved:**

Internal Complaint Committee, bases on its investigation and findings arrived at the conclusion that the allegation against the respondent has been proved. It shall recommend to the employer to take any action against the respondent as per the Cyclops service rules including:

- Written apology
- Warning letter
- Reprimand or censure
- Withholding of promotion
- Withholding of pay rise or increments
- Deduction from salary
- Termination from service
- Financial Penalty (In accordance with the mental, physical trauma, loss of career opportunity, medical expenses) in lump sum or in instalments from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman
- In case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman
- Undergoing a counselling session
- Transfer to another workplace
- If the complaint is of a serious nature, involving threats of reprisal or risk of recurrence or refusing the order/judgment of the employer, then a criminal case shall be filed against him/her before the police/court at the discretion of the Complaint Committee.
- Or any other action that the Management may deem fit.

**ii. In case of allegation not proved:**

Where the Internal Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

**11. Punishment for false or malicious complaint and false evidence:**

Where the Internal 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 woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person who has made the in accordance with the provisions of the service rules mentioned in **sub- clause (i) of clause-10** Where the Internal 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 employer of the witness as the case may be, to take action in accordance with the provisions of the service rules mentioned in **sub- clause (i) of clause- 10** to the said witness

## 12. Preparation of annual report:

The annual report which the Complaints Committee shall prepare shall have the following details: -

- (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 by the employer or District Officer.

## 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.

## Annexure A

Internal Complaints Committee at Head Office Cyclops Enterprise

**Presiding Officer** - Mrs. Deepa Yadav (GM HR) **Member** - Mrs. Poonam Rana (Director) **Member** - Ms. Anita Patowary (GM Finance) **Member** - Mr. Lakhan Kumar (GM Operations) **Member** - Ms. Rupanshee (External Member)

**Employer** – Lt. Col (Ret) K P S Rana

**All complaints received from the corporate office, any region related party shall be dealt with in accordance with law by the aforesaid committee at its corporate office, Mahavir Enclave, Delhi.**

For any queries or further information, please refer to our POSH Policy, available on <https://cyclopsenterprise.com/> or contact- 9289227901