



EnAble India Policy

Title: Prevention of Sexual Harassment Policy

ID: HR/POL/005

Revision: 05

Publication Date: 22nd Dec 2023

Author: POSH Committee

Approver: EnAble India Management

1. Applicability

This policy is known as Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Rules (hereinafter referred to as Policy) and is applicable to all employees of Enable India deployed at the workplace who are either:

- (a) On the rolls of the organization or
- (b) Engaged through the Contractor(s) having service agreement with the establishment or as enumerated in clause (f) of section 2 of the Sexual Harassment of Women at Workplace Act.

2. Objective

- (i) This policy is formulated keeping in view the provisions under **The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013(hereinafter referred to as POSH Act)** and its Rules. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. For any doubt or further clarification, reference be made to the POSH Act and its Rules.

Enable India has zero tolerance towards sexual harassment of all employees. Males and Other gender employees must file their sexual harassment complaints through proper channel as prescribed under Section 2.3 of the HR Policy Manual.

3. Abbreviations

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings: -





- i) **CE** – Complainant Employee: Refers to any woman employee (as per section 2(a) of SHWW Act, 2013) who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by another employee (hereinafter referred to as ‘respondent’)
- ii) **IC** – Internal Committee
- iii) **Management** – Management means Organization’s Chief Mentor & Founder, CEO & Co Founder or such other officer or Officers/nominee or nominees as may be authorized in this behalf by the Chief Mentor & Founder or Co-Founder & CEO and notified in the Notice Board of the establishment.
- iv) **RE** – Respondent Employee: Refers to any employee against whom the complaint for sexual harassment has been lodged.
- v) **Workplace** – The Offices of Enable India and also includes all offices, branches and workplaces located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey.

4. Preamble

Sexual harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well-being of all women employees at the workplace, this Policy envisages as under:

- (a) It shall be the duty of the Management of the establishment to prevent or deter the commission of any act of sexual harassment at the workplace.
- (b) Sexual Harassment will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.
- (c) The definition of sexual harassment will be as defined in section 2 (n) of POSH Act as represented below: -

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (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.

(d) 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:

- (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

(e) Humiliating treatment is likely to affect her health or safety.

5. Internal Committee (hereinafter referred to as IC) –this is a Committee which is being constituted as per section 4 of the POSH Act read with its Rules.

The IC will comprise of the following:

- (i) Presiding Officer
- (ii) Member
- (iii) Member
- (iv) Member
- (v) External Member

Every IC member will have **two tenures to serve (3 + 3 years)**. However, the IC shall hold office for a period of **three years (first tenure)** from the date of their **nomination as specified by Management**, and IC member can **continue to serve the second tenure upon agreement of both Management and IC member**.

IC would be strictly governed by Section 4 of the POSH Act.

6. Procedure of filing a Complaint-

(a) The complaint should be made by an aggrieved woman in written by email to posh@enableindia.org within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident.

The complaint by an aggrieved woman employee shall be made to IC in writing and be sent either by post, email or given in person to the IC of the establishment or any officer authorized by IC in writing.





(b) The IC 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 employee from filing a complaint within the said period. Where the employee is unable to make a complaint because of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint under this section.

It is, however, pertinent to state that 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 co-worker; or
- (c) an officer of the National Commission for Woman or State

Women's Commission; or:

- (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;

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;

1. Notes: (i) 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) 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.





7. Procedure to be followed post receipt of Complaint

(a) The IC would go through the details of the complaint and evaluate if there is a prima facie case or not. While doing that, IC will keep in mind that the CE is not subjected to enquiry more than once. However, if the complaint complexity requires that the CE is to be called for more than once for enquiry, then utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no loss of dignity to the CE.

(b) The IC will initiate a detailed enquiry as deemed fit.

(c) The IC may, before initiating an enquiry and at the request of the CE, take steps to settle the matter between her and the RE through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the IC shall record the settlement and forward it to the employer.

However, if the terms arrived at during conciliation have not been complied with by the RE, the IC shall proceed to make an enquiry into the complaint or as the case maybe, forward the complaint to the Management. The copies of the settlement as recorded during conciliation shall be provided to both the parties.

(d) The IC shall, after completing the enquiry, submit its recommendations to the Management with recommendations of the actions to be imposed.

(e) In case no settlement is arrived, the IC shall, where the Respondent is an employee, proceed to make an inquiry into the complaint in accordance with the provisions of the HR policy manual. If the respondent is still not satisfied, He/she can approach the Management, within a period of seven days.

(f) 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 to the IC against the findings.

(g) The submission of the recommendations by the IC to the Management shall be completed within a period of ninety days (90) from the date of receipt of the complaint by the IC.

(h) The HR/Personnel/Administrative Department will extend full cooperation in facilitating conducting the proceedings by the IC.

2. Important: For the purpose of making an inquiry under sub -section (1), the Internal Committee shall have the same powers as are vested in a civil





court under the Code of Civil Procedure, 1908 (5 of 1908) 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.

8. Guidelines to be kept in mind by IC while recommending Action

(a) To conduct the enquiry as per the Principles of Natural Justice and in a confidential manner.

(b) In cases where the IC has recommended to Management for compensation to be made to the CE, then the amount shall be deducted from the salary of the RE and paid to the CE or her legal heir/s.

(c) In case the RE fails to pay the sum referred as above, the Management may take necessary action as they deem fit.

(d) Where the IC arrives at a conclusion that the allegation against the RE is malicious or the CE has made the complaint knowing it to be false or the CE has produced forged or misleading document, it may recommend to the Management of the establishment to take action against the CE as stipulated by Section 14 of the POSH Act.

(e) Where the IC arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend the Management to take appropriate action.

9. Management TO ENSURE:

(a) In case there is a complaint against any of the IC members, Management will have to reconstitute the IC. In all such cases the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said committee.

(b) The Management will provide assistance to the CE if she chooses to **file a police complaint in relation to the offence under the India Penal Code or any other law for the time being in force.**





(c) The Management will also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, where the perpetrator is not an employee of the establishment and there is complaint of Sexual Harassment against the said perpetrator in the workplace where the harassment took place.

(d) The IC will submit an annual report to the Management outlined in the POSH Act and it is the responsibility of the Management to ensure that the said annual report is also filed with the District Officer as per the format applicable.

(e) The Management will direct the HR/Personnel/Administrative Department to ensure to display at conspicuous places the guidelines as given in section 19(b) of the POSH Act.

(f) The Management will direct and monitor the HR/Personnel/Administrative Department to create awareness amongst employee material on sexual harassment in the following manner: -

- (i) Training cum Awareness session for employees (men and women)
- (ii) Training cum Awareness session for IC members
- (iii) Training cum Awareness session for Human Resource teams and Senior Management.

(g) The Management will assist in ensuring the attendance of the RE and witnesses before the IC as the case may be.

(h) The Management will monitor the timely submission of reports. For this, the Management will conduct periodic update meetings with the IC and HR/Personnel/Administrative Department to ensure that the said policy is being implemented in letter and spirit.

10. Appeal by the aggrieved person

Any person aggrieved from the recommendations made by the IC enquiring with the allegations against the respondent has not proved, or the IC arrived at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading documents or contravenes the provisions of Section 17 of the POSH Act or when the persons entrusted with the duty to handle or deal with the complaint, the enquiry or





recommendations makes known the contents of the complaint and the enquiry proceedings, or non -implementation of such recommendations may prefer an appeal to the Management within seven days.

3. Version Control

S.No.	Date	Details
1.	26/11/2014	Sexual Harassment Policy drafted and circulated
2.	16/12/2020	Old policy was merged with POSH process and new guidelines.
3.	21/12/2021	Old IC members were replaced with New IC members
4.	31/05/2022	<ol style="list-style-type: none"> 1. Renamed to <i>Prevention of Sexual Harassment Policy</i> 1. Section 2. Objective: Added section on sexual harassment of males & transgender employees 2. Section 5. Internal Committee: removed names to reflect the constituents of the committee. 3. Section 6 (a) Procedure of filing a Complaint: Added email ID in para 1 and mentioned 'email' para 2. 4. Section 7 (c) Procedure to be followed post receipt of Complaint: Corrected to as 'complaint to Management' in para 2 5. Section 7(e) Procedure to be followed post receipt of Complaint: Service rule provision clarified as provisions of the HR policy manual. Added 'seven days' as the timeframe for the respondent to appeal post submission of report by IC. 6. Section 7 (f) Procedure to be followed post receipt of Complaint: Representative body corrected to Committee (IC) as per the PoSH Act Section 11.1 para 3. 7. Section 7 Procedure to be followed post receipt of Complaint: Removed section on court intervention as this is an internal policy. 8. Section 8 (c) Guidelines to be kept in mind by IC while recommending Action: Removed 'recovery through arrears on land revenue' and added Management's role in recovery of sum. 9. Section 10 Appeal by the aggrieved person: Clarified Appellate Authority as 'management'. Added 'seven days' as the timeframe for the complainant to appeal post submission of report by IC.
5	22/12/2023	<ol style="list-style-type: none"> 1. Section 5: Removed the IC can serve 1 tenure to can serve 2 tenure upon agreement by both Management & IC.



PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE (POSH)

Internal committee



Roopa Reddy
Chairperson



Nandini Kavitha P
Member



Guru Prasad
Member



Kaavyasri D A
Member

Dr. B S Anuradha
External
Member