



Policy on Sexual Harassment

Version 1.0

NIRAMAI Health Analytix Pvt Ltd

A7-506, Elita Promenade, J P Nagar 7th Phase, Bangalore - 560078

Signed by

Geetha Manjunath

(Director)

Date: 15-June- 2017

For employees of Niramai Health Analytix Private Limited





INTRODUCTION/ PURPOSE:

Niramai Health Analytix Pvt. Ltd., (“Company”) is an equal employment opportunity employer and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. It is our desire to promote a healthy and congenial working environment, irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protect the dignity and respect of every individual. Therefore, we have zero-tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary action. This policy is meant to educate the employees about what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

The Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. The policy is made under the overall ambit in accordance with the Supreme Court Guidelines on Sexual Harassment at workplace, declared in Vishaka & Others. vs. State of Rajasthan & Others. (AIR 1997 SC 3011).

APPLICABILITY:

This policy applies to employees of the Company in all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events. This also applies to the conduct of an employee towards a customer, supplier and contractor.

DEFINITIONS:

For the purpose of the Policy, unless the context otherwise requires:

- a) “**Aggrieved Person**” means in relation to a Workplace, an Employee, who alleges to have been subjected to any act of Sexual Harassment by the Respondent;
- b) “**Company**” means **NIRAMAI HEALTH ANALYTIX PRIVATE LIMITED**.
- c) “**Complaint**” means a complaint of Sexual Harassment at Workplace;
- d) “**Employee**” means a person employed at a Workplace for any work on regular, temporary, ad hoc or daily wages 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 called by any other such name;
Explanation: The aforesaid definition of ‘Employee’ in this context shall be used only for the purposes of this Policy and cannot be used to claim rights of an employee conferred by any law for the time being in force;
- e) “**Internal Complaints Committee**” (ICC) means a committee constituted for redressal of Complaints by the Aggrieved Person and make recommendations for resolution to the Management Team;
- f) “**Management Team**” shall mean the person/s vested with the powers to take appropriate action for implementing the decision of the Internal Complaints Committee and shall consist of such officers as designated by the Company from time to time;
- g) “**Respondent**” means a person against whom the Aggrieved Person has made a Complaint;
- h) “**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 favors; whether verbal, textual, graphic, electronic or by any other action or
 - iii) making sexually coloured remarks; or
 - iv) showing pornography; or
 - v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

This includes verbal, non-verbal or physical conduct such as obnoxious comments or utterances, remarks or jokes, letters, phone calls, SMS or emails, gestures, showing pornography, stalking, sounds or display of a nature with sexual overtures. It also includes a demand or request for sexual favors in return



for with a promise of work related favors such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition.

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; 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; or
- v) Humiliating treatment likely to affect health or safety.

The definition of sexual harassment shall include any harassment caused to **female or male employees**. It would also include harassment caused to or by either gender.

- i) “**Third Party**” means any person or persons not on the rolls of the Company but, in the course of work related activities, interacting with the Company;
- j) “**Workplace**” shall mean any place(s) where an Aggrieved Person is employed or works, or visits in connection with his duties during the course of or arising out of his employment and includes transportation provided by the employer for undertaking such journey;
- k) “**Team Leaders**” shall means a team member who may not have any authority over other members but is appointed on permanent or rotating basis to represent the team to the next higher reporting level, make decisions in the absence of a consensus, resolve conflict between team members, and coordinate team efforts.

PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE & REPORTING:

No Employee shall be subjected to Sexual Harassment at any Workplace. If an Employee is being sexually harassed he/she should:

- a) Tell the Respondent that his / her behavior is unwelcome and ask him/her to stop;
- b) Keep a record of incidents (dates, times, locations, possible witness, what happened, Aggrieved Person's response). It is not mandatory to have a record of events to file a Complaint, but a record can strengthen the Aggrieved Person's case and help the Aggrieved Person to remember the details over time, in case the Complaint is not filed immediately;
- c) Make, in writing, a Complaint to the Committee within a period of three months from the date of last incident in accordance with the terms of the Policy.
- d) The employee may also email the complaint to: admin@niramai.com
- e) The employee may also contact his/her Team Leader. Upon being intimidated, the Team Leader shall send an email communication to the committee, providing all the necessary details of the Complaint.
- f) Any act of sexual behavior, if noticed by any third party may be brought to the notice of the committee or the management. Such acts may be considered as harassment, if quid pro quo or hostile work environment conditions prevail. Otherwise, it could be treated as nonprofessional behavior at the workplace and may be dealt with by the company outside the purview of this policy.
- h) In both the cases as mentioned in above point d) and f), the written complaint/email must provide the details of the incident together with the name/s of the Respondent/s and the Aggrieved Person, as available.

INTERNAL COMPLAINTS COMMITTEE:

- a) The Internal Complaints Committee (ICC) shall comprise of not less than two members, nominated by the Board of Directors. Provided that at least one-half of the total members so nominated shall be women. In the event that the company does not have the requisite number of female employees, the constitution of the committee will include male employees to ensure that the committee has 2 members. However, the company will endeavor to make it possible that the committee has one half of all members are female employees.
- b) The Committee shall be headed by a woman employed at a senior level at Workplace, who is the Committee's Presiding Officer.
- c) The Presiding Officer shall act as the Chairperson of the Meeting. If at any time the Chairperson is not present at the meeting then members present shall elect one of their members to be Chairperson of the meeting.



- d) To prevent the possibility of any undue pressure or influence from senior levels, the Committee involves a third party, either non-governmental organization (NGO) or other body who is familiar with the issue of sexual harassment.
- e) The presiding officer and members of the Committee shall hold office for such period, not exceeding five years, from the date of their nomination;

COMPLAINT MECHANISM

a) Complaint to be made in writing:

- i) A Complaint may be made in writing to the Committee as per the format prescribed under **Annexure A** or shall be emailed to admin@niramai.com.
- ii) The details of the presiding officer and other members of the Committee(s) along with the details of how and where the complaint should be made shall be communicated to all employees/officers of the Company through a special circular.
- iii) In case the Aggrieved Person is unable to make the Complaint in writing he/she may approach the presiding officer or any member of the Committee, who shall render all assistance to the Aggrieved Person for making the Complaint in writing.
- iv) The Complaint shall be addressed to the Committee and shall contain all the material and relevant details concerning the alleged Sexual Harassment at Workplace including, the name of the Respondent(s) and the name of the Aggrieved Person along with the names and addresses of the witnesses and supporting documents.
- v) Aggrieved Person's complain will not have any bearing on his/ her employment with the organization.

b) The following persons can make a Complaint:

- i) Aggrieved Person.
- ii) In case of physical incapacity of the Aggrieved Person the Complaint can be filed by:
 - A relative or a friend or a co-worker of the Aggrieved Person; or
 - An officer of the National Commission of Women or State Women's Commission; or
 - Any person who has knowledge of the incident, with the written consent of the Aggrieved Person
- iii) In case of mental incapacity of the Aggrieved Person the Complaint can be filed by:
 - A relative or a friend of the Aggrieved Person; or
 - A special educator; or
 - A qualified psychiatrist or psychologist; or
 - The guardian or authority under whose care the Aggrieved Person is receiving treatment or care; or
 - Any person who has knowledge of the incident jointly with a relative or a friend of the Aggrieved Person or a special educator or a qualified psychiatrist or psychologist, or the guardian or authority under whose care the Aggrieved Person is receiving treatment or care.
- iv) In case of death of the Aggrieved Person the Complaint can be filed by any person who has knowledge of the incident with the written consent of the legal heir of the Aggrieved Person.
- v) In case the Aggrieved Person is unable to make a Complaint for any reason the Complaint can be filed by any person who has knowledge of the incident with the written consent of the Aggrieved Person.

c) Timeline for making the Complaint:

A Complaint should be made within a period of three months from the date of the incident and in case of series of incidents, within a period of three months from the date of the last incident. Provided that the Committee may, for 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 Aggrieved Person from filing a Complaint within the period of three months.

CONCILIATION:

- i) The Committee may before initiating an inquiry and at the request of the Aggrieved Person take steps to settle the matter between the Aggrieved Person and the Respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.



- ii) Where a settlement has been arrived at by conciliation, the Committee shall record the settlement so arrived and forward the same to the Management Team to take action as specified in the recommendation.
- iii) The Committee shall provide the copies of the settlement as recorded under the settlement so arrived to the Aggrieved Person and the Respondent.
- iv) Where a settlement is arrived at through conciliation no further inquiry shall be conducted by the Committee. Provided where the Aggrieved Person informs the Committee that any term of the settlement so arrived has not been complied with by the Respondent, the Committee shall proceed to make an enquiry into the Complaint or, as the case may be, forward the Complaint to the police.

INQUIRY INTO COMPLAINT:

a) Manner of Inquiry:

- i) The Committee shall proceed to make inquiry into the Complaint where the Respondent is an Employee.
- ii) On the receipt of the Complaint, the Committee shall, within seven working days from the date of receipt of the Complaint, send a copy of the Complaint received from the Aggrieved Person to the Respondent.
- iii) The Respondent shall file his reply to the Committee along with the names and addresses of the witnesses and supporting documents within a period not exceeding ten working days.
- iv) The Committee shall make an enquiry into the Complaint in accordance with the principles of natural justice.
- v) The Aggrieved Person and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.
- vi) In conducting the inquiry, a minimum of two members of the Committee including the presiding officer shall be present.
- vii) 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 Aggrieved Person and the Respondent to enable them to make representation against the findings before the Committee.
- viii) For the purpose of making an inquiry, the 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:
 - summoning and enforcing the attendance of any person and examining him on oath;
 - requiring the discovery and production of documents: and
 - any other matter which may be prescribed.
- ix) Inquiry to be conducted in a neutral location which provides an environment conducive for both the Aggrieved Person and the Respondent.
- x) The inquiry shall be completed within a period of ninety days.

b) Actions during pendency of Enquiry:

- i) During the pendency of an inquiry the Committee at the written request of the Aggrieved Person may recommend to the Management Team to:
 - o transfer the Aggrieved Person or the Respondent to any other Workplace; or
 - o grant leave to the Aggrieved Person up to a period of three months; or
 - o restrain the Respondent from reporting on the work performance of the Aggrieved Person or writing his/her confidential report, and assign the same to another person.
- ii) During the process of investigation, the Company will ensure no further harassment or victimization happens to either the Aggrieved Person or the Respondent and duties are carried out as normal. The Company will also ensure that there is no proximity at work place between the Aggrieved Person and the Respondent, during the pendency of the Complaint. Necessary work arrangements, including transfer, if necessary, will be made by the Company for this purpose.
- iii) The Committee if so required may issue appropriate interim orders from time to time recommending the Management Team to issue orders as may be necessary to ensure the safety of the Aggrieved Person and/or the witnesses.
- iv) On recommendations of the Committee, the Management Team shall implement the recommendations of the Internal Complaints Committee.

c) Termination of Inquiry Proceedings / Ex parte Decision:



The Committee shall have the right to terminate the inquiry proceedings or 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 conveyed by the presiding officer of the Committee. Provided such termination or ex parte order shall not be passed unless a fifteen days prior written notice has been given to the party concerned.

INQUIRY REPORT

- a) On the completion of the inquiry, the Internal Complaints Committee shall provide a report of its findings to the Management Team within a period of ten days from the date of completion of the inquiry and such report shall be made available to the parties concerned.
- b) The Committee may recommend a detailed and reasoned order, which may include:
 - i) Recommending to the Management Team to take appropriate action for Sexual Harassment as a misconduct in accordance with the HR Manual / terms of employment and/or payment of compensation, commensurate with the gravity of the offence of which the Respondent has been found guilty of as per applicable law;
 - ii) Recommending the Management Team steps necessary and reasonable to assist the Aggrieved Person in terms of support and preventive action where Sexual Harassment at Workplace has occurred as a result of an act or omission by any Third Party or outsider;
 - iii) Recommending to the Management Team appropriate disciplinary action against the person making the Complaint, in case the Complaint registered is found to be frivolous or false or was made with a malicious intention;
 - iv) Recommending to the Management Team that no action is required to be taken in the matter, in case it arrives at the conclusion that the allegation against the Respondent has not been proved.

Management Team shall act upon the recommendation within sixty days of its receipt by him.

Possible Disciplinary Actions arising out of the Recommendations

- a) A letter of warning that will be placed in the personal file of the Respondent.
- b) Immediate transfer or suspension without pay or both.
- c) Fine equivalent to 2-4 months' salary that can be credited to a fund created to be utilized for the welfare of the employees.
- d) Stoppage of increment with or without cumulative effect.
- e) Reduction in rank.
- f) Termination/dismissal from the services of the Company.
- g) Any other action that the Disciplinary Authority may deem fit.
- h) Filing a Complaint before the relevant police station/ Court.

Confidentiality:

- a) Information generated in the course of informal reviews and formal investigations necessary for enforcing this Policy will be given the full extent of confidentiality to Employee personnel records.
- b) Any person who, without authorization, reveals such information will be subject to disciplinary action.
- c) The sharing of the content of the complaints will be on a "need to know" basis only.
- d) It is understood that sexual harassment is an issue of highly sensitive nature and therefore strict confidentiality will be maintained by the Aggrieved Person, defendant, witnesses, the Complainant Committee.

Protection against retaliation

- a) Regardless of the outcome of the Complaint made in good faith, the Aggrieved Person lodging the Complaint and any person providing information or any witness, will be protected from any form of retaliation.
- b) While dealing with Complaints, the Committee shall ensure that the Aggrieved Person or the witness are not victimized or discriminated against by the accused.
- c) Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the accused against the Aggrieved Person while the investigation is in progress should be reported by the Aggrieved Person to the Committee as soon as possible.



d) Disciplinary action will be recommended by the Committee to the Management Team against any such Complaints.

COMPLAINTS MADE WITH A MALICIOUS INTENT:

- a) The Policy has been evolved as a tool to ensure that Employees have a forum to approach the Company in the event of instances of Sexual Harassment at Workplace.
- b) Where the Committee arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Person or the person making the Complaint has made the Complaint knowing it to be false or the Aggrieved Person or any other person making the Complaint has produced any forged or misleading documents, it may recommend appropriate disciplinary actions against the complainant.
- c) The persons who are victims of such frivolous or false complaints may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

People's perception about Aggrieved Person AFTER complaint

- a) Our Company's philosophy is to build transparent and fair governance.
- b) This includes respect for individual dignity, and no gender bias.
- c) Our Company's stands by its philosophy all the time hence there will be no shadow of complaint on Aggrieved Person's reputation/standing in the organization.



Annexure A

FORMAT FOR REPORTING SEXUAL HARASSMENT AT WORKPLACE COMPLAINTS

To,
Niramai Helath Analytix Private Limited
The Internal Complaints Committee

Sexual Harassment details: [You may attach additional sheets if necessary to provide the details]

a) Person/people involved in Sexual Harassment at Workplace:

[Please provide the full name(s), designation, location(s), SBU of the Respondent and the relationship with you (e.g. supervisor, colleague, etc.)]

b) Incidents and factual data:

[Please describe the incident/s]

Your response to the incident/s

c) Other material and relevant details:

[Please provide date/s, place/s of the incident/s, name and addresses of the witnesses, details of text messages, emails, if any, etc.]

Person making the Complaint is [please tick]:

a) Aggrieved Person.	f) The guardian or authority under whose care the Aggrieved Person is receiving treatment or care.
b) A relative of the Aggrieved Person.	g) A person who has knowledge of the incident with the written consent of the Aggrieved Person.
c) A friend of the Aggrieved Person.	h) A person who has knowledge of the incident with the written consent of the legal heir of the Aggrieved Person.
d) A co-worker with the Aggrieved Person.	i) A person who has knowledge of the incident jointly with a relative or a friend of the Aggrieved Person or a special educator or a qualified psychiatrist or psychologist, or the guardian or authority under whose care the Aggrieved Person is receiving treatment or care.
e) A qualified psychiatrist or psychologist	j) Others (Please Specify)

Sr. No. Particulars

1. Name of the person(s) reporting
2. Designation
3. Department
4. Location
5. Office No
6. Official email Id
7. Complete office address with Pin Code
8. Mobile No
9. Personal email Id
10. Complete residence address with Pin Code
11. Residence Phone No
12. Date & Place
13. Signature



Policy on Sexual Harrassment			
Version	Modification Description	Effective Date	Approved by
1.0	Introduction of policy	15-jun-17	Nidhi Mathur