

		Document Name		
		C-Quel Policy on Prevention, Prohibition and Redressal of Sexual Harassment at Workplace		
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APPROVALS

Owner	Job Title	Signed	Approval Date
Nandini Sarkar	Director	Sd/-	13.10.2018
Country Approval	Job Title	Signed	Approval Date
Sushobhan Sarkar	Managing Director	Sd/	13.10.2018
Legal Approval	Job Title	Signed	Approval Date
Archan Bhattacharya	Manager (Legal & Compliance)	Sd/-	13.10.2018

REVISION HISTORY

Version	Description of change	Sections Affected	Release Date	Owner
1.0	New release	All	December 13, 2013	C-Quel
2.10	Updated release	All	October 13, 2018	C-Quel

POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT

1. Preamble

C-Quel believes that sexual harassment results in violation of the fundamental right of all individuals to live with dignity and the right to practice any profession or to carry on any occupation, trade or business, which includes a right to a safe environment, free from sexual harassment.

C-Quel is committed to provide a safe working environment at the workplace which includes safety of all persons coming into contact at the workplace and considers sexual harassment a serious misconduct.

This Policy is gender-neutral in nature and C-Quel strives to promote transgender-friendly work conditions.

2. Applicability

This policy is applicable to all the Employees including contractor employees, consultants and service partners of C-Quel and is effective immediately.

3. Definitions

3.1 "C-Quel" means C-Quel Management Services Pvt. Ltd. situated at P.S. Srijan Corporate Park, 13th Floor, Tower 1, Block EP & GP, Salt Lake, Sector V, Kolkata – 700091, West Bengal, India.

3.2 "Aggrieved Woman" means a woman of any age whether employed with C-Quel directly or indirectly through a contractor, consultant or service partner who alleges to have been subjected to any act of sexual harassment by the Respondent.

3.3 "Aggrieved Man" means a man of any age whether employed with C-Quel directly or indirectly through a contractor, consultant or service partner who alleges to have been subjected to any act of sexual harassment by the Respondent.

3.4 "Aggrieved Transgender" means a Transgender of any age whether employed with C-Quel directly or indirectly through a contractor, consultant or service partner who alleges to have been subjected to any act of sexual harassment by the Respondent.

3.5 "Aggrieved Person" means an aggrieved man, an aggrieved woman and/or an aggrieved Transgender.

3.6 "Complaint" means a Sexual Harassment complaint.

3.7 "Complainant" means any person making a complaint of Sexual Harassment.

3.8 "District Officer" means an officer so notified by the appropriate government.

3.9 "Employee" means a person employed with C-Quel for any work on regular, temporary, ad hoc or daily basis, either directly or through an agent, including a contractor, with or, without the knowledge of C-Quel, 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 etc.

- 3.10 “Employer” means any person or persons responsible for the management, supervision and control of C-Quel.
- 3.11 “Incident” means an Incident of Sexual Harassment as defined hereunder.
- 3.12 “Internal Committee” means an Internal Complaints Committee constituted by C-Quel for looking into sexual harassment complaints.
- 3.13 “Member” means a member of the Internal Committee.
- 3.14 “Respondent” means a person against whom the Aggrieved Person has made a Complaint of Sexual Harassment.
- 3.15 “Sexual Harassment” includes:
- A. any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - (i) Physical contact and advances
 - (ii) A demand or request for sexual favours
 - (iii) Making sexually coloured remarks
 - (iv) Showing pornography
 - (v) Any other unwelcome physical, verbal, non-verbal conduct of sexual nature
 - 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 the Aggrieved Person’s employment
 - (ii) Implied or explicit threat of detrimental treatment in the Aggrieved Person’s employment
 - (iii) Interference with work or creating an intimidating or offensive or hostile work environment for the Aggrieved Person
 - (iv) Humiliating treatment likely to affect the Aggrieved Person’s health or safety
- 3.16 “Special Educator” means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.
- 3.17 “Workplace” includes any office, unit, branch of C-Quel Management Services Pvt. Ltd. and includes any place visited by the Employees of C-Quel arising out of or during the course of employment including transportation provided by C-Quel for undertaking such journey.
- 3.18 Words and expressions used herein and not defined but defined in the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 shall have the same meaning as assigned under the said Act.

4. **Internal Complaints Committee**

C-Quel has constituted a committee, known as the “Internal Complaints Committee” or the “ICC”, comprising the following members

Sl. No.	Name	Designation	Presiding Officer/ Member – ICC	E mail address
1	Ms. Nandini Sarkar	Director	Presiding Officer	nandini@cquel.com
2	Mr. Sushobhan Sarkar	Managing Director	Member	sushobhan@cquel.com
3	Ms. Oendrilla Mitra	HR Officer	Member	hr@cquel.com
4	Mr. B.N Som	External Advisor	External Advisor	bn_som@yahoo.com

4.1 The Internal Complaints Committee shall consider and redress complaints of Sexual Harassment.

4.2 The Presiding Officer and every Member shall hold office for three years from the date this policy comes into effect.

4.3 The external Member shall be reimbursed the cost of travel on actuals and an allowance of Rupees Two Hundred per day or as prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 & Rules

5. **Complaint of Sexual Harassment**

5.1 Any Aggrieved Person may make a written complaint of Sexual Harassment to the Internal Complaints 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 last Incident.

5.1.1 If such Complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the Aggrieved Person for making the Complaint in writing.

5.1.2 The time limit for making a Sexual Harassment Complaint may be extended by the Internal Complaints Committee by another period of three months if it is satisfied that circumstances were such that prevented the Aggrieved Person from filing a Complaint within a period of three months. The Internal Complaints Committee will record the reasons for extension of time in writing.

5.2 Where the Aggrieved Person is unable to make a Complaint on account:

5.2.1 of physical incapacity, a Complaint may be made by the Aggrieved Person's legal heir, relative, friend, co-worker or any person who has the knowledge of the Incident, with the written consent of the Aggrieved Person.

5.2.2 of the Aggrieved Person's mental incapacity, a Complaint may be made by the Aggrieved Person's legal heir, relative, friend, a Special Educator, a qualified psychiatrist or psychologist, the guardian or authority under whose care the Aggrieved Person is receiving treatment or care or any person who has the knowledge of the Incident jointly with the Aggrieved Person's relative or friend or a Special Educator or qualified

psychiatrist or psychologist or guardian or authority under whose care the Aggrieved Person is receiving treatment.

5.2.3 of any other reason, a Complaint may be filed by any person who has knowledge of the Incident, with the Aggrieved Person's written consent.

5.2.4 that the Aggrieved Person is dead, a Complaint may be filed by any person who has the knowledge of the Incident, with the written consent of the Aggrieved Persons' legal heir.

6. Inquiry into Sexual Harassment Complaint

6.1 In case the Aggrieved Person
(a) does not request for settlement proceedings or
(b) a settlement is not arrived at or
(c) the Aggrieved Person informs that any term or condition of the settlement arrived at has not been complied with by the Respondent

The Internal Complaints Committee shall proceed to initiate an enquiry into the Sexual Harassment Complaint.

6.2 If both the Aggrieved Person and the Respondent are Employees of C-Quel, they shall be given an opportunity to be heard during the course of enquiry and a copy of the findings shall be made available to both the parties to enable them to make representation against the findings before the Internal Complaints Committee.

6.3 The Aggrieved Person or the complainant shall submit six copies of the Complaint along with the supporting documents and the names and addresses of the witnesses to the Internal Complaints Committee.

6.4 On receipt of the Complaint, the Internal Complaints Committee shall send one copy of such Complaint to the Respondent within a period of seven working days.

6.5 The Respondent shall file his/her reply to the Complaint along with his/her 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 from the Internal Complaints Committee.

6.6 Subject to Article 7, the Internal Complaints Committee shall make inquiry into the Complaint in accordance with the principles of natural justice.

6.7 The Internal Complaints Committee shall have the right to terminate the inquiry or to give an ex parte decision on the Complaint, after giving a notice in writing of 15 days, if the complainant or the Aggrieved Person or the Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer.

6.8 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.

6.9 In conducting an inquiry, a minimum of three Members, including the Presiding Officer, of the Internal Complaints Committee, shall be required to be present.

6.10 The inquiry shall be completed within a period of 90 days.

6.11 For the purpose of enquiry of a Sexual Harassment Complaint, the Internal Complaints Committee shall be empowered to do the following:

- 6.11.1 Summon and enforce attendance of any person and examine him on oath
- 6.11.2 Require discovery and production of documents
- 6.11.3 Any other matter that may be prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 & Rules

7. Conciliation

- 7.1 The Internal Complaints Committee may initiate settlement proceedings at the request of the Aggrieved Person, before initiating an inquiry pursuant to a written complaint.
- 7.2 No monetary settlement shall be made as a basis of conciliation.
- 7.3 Where a settlement is arrived at, the Internal Complaints Committee shall record such settlement and forward the same to the Employer to take action as specified in the recommendation.
- 7.4 Copies of the settlement shall be provided to the Aggrieved Person and the Respondent.
- 7.5 Pursuant to the settlement, no further enquiry shall be conducted by the Internal Complaints Committee.
- 7.6 Provided where the Aggrieved Person informs the Internal Committee that any term or condition of the settlement arrived at under Rule 7.3 has not been complied with by the respondent the Internal Committee shall proceed to make an inquiry into the complaint.
- 7.7 Provided further that where both the parties are employees, the parties shall, in the course of the inquiry, be provided 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 finding to the Committee.

8. Action during pendency of inquiry

- 8.1 During the pendency of the inquiry, the Internal Complaints Committee may, on a written request made by the Aggrieved Person, recommend to the Employer to:
 - 8.1.1 Transfer the Aggrieved Person or the Respondent to any other workplace or
 - 8.1.2 Grant leave to the Aggrieved Person or
 - 8.1.3 Restrain the Respondent from reporting on the work performance of the Aggrieved Person or writing the Aggrieved Person's confidential report and assign the same to another officer.
- 8.2 The Employer shall implement the recommendations of the Internal Complaints Committee and send the report of such implementation to the Internal Complaints Committee.

9. Inquiry Report

- 9.1 On the completion of the inquiry, the Internal Complaints Committee shall provide a report of its findings to the Employer within a period of ten days from the date of completion of the inquiry and such report shall also be made available to the concerned parties.
- 9.2 In case it is concluded that the allegation against the Respondent has not been proved, the Internal Complaints Committee shall recommend to the Employer that no action is required to be taken in the matter.

- 9.3 Where the Internal Complaints Committee has concluded that the allegation against the Respondent has been proved, it shall recommend to the Employer:
- 9.3.1 To take action for Sexual Harassment as a misconduct, which may include but not be limited to the following actions:
 - 9.3.1.1 written apology
 - 9.3.1.2 warning
 - 9.3.1.3 reprimand or censure
 - 9.3.1.4 withholding of promotion
 - 9.3.1.5 withholding of pay rise or increments
 - 9.3.1.6 counselling sessions
 - 9.3.1.7 community service
 - 9.3.1.8 terminating the Respondent from employment
 - 9.3.2 to deduct from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Person or to the Aggrieved Person's legal heirs. For the purpose of determining such sum, the Internal Complaints committee shall have regard to:
 - 9.3.2.1 the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Person
 - 9.3.2.2 the loss in the career opportunity due to the incident of Sexual Harassment
 - 9.3.2.3 medical expenses incurred by the Aggrieved Person for physical or psychiatric treatment
 - 9.3.2.4 the income and financial status of the Respondent
 - 9.3.2.5 feasibility of such payment in lump sum or in installments
- 9.4 if the Employer is unable to deduct from the salary of Respondent due to his being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the Aggrieved Person
- 9.5 In case the Respondent fails to pay the sum as directed, the Internal Complaints Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- 9.6 The Employer or the District Officer shall act upon the recommendation of the Internal Complaints Committee within sixty days of its receipt by him.
- 10. False or malicious Complaint and false evidence**
- 10.1 If the Internal Complaints Committee concludes that the allegation against the Respondent is malicious or any person making the Complaint has made the Complaint knowing it to be false or if any other person making the Complaint has produced forged or misleading documents, or that any witness has given false evidence or produced forged or misleading documents, it may recommend to the Employer to take action against such person who has made the Complaint which may include but not be limited to the following:
 - 10.1.1 written apology
 - 10.1.2 warning
 - 10.1.3 reprimand or censure
 - 10.1.4 withholding of promotion
 - 10.1.5 withholding of pay rise or increments
 - 10.1.6 counselling sessions
 - 10.1.7 community service
 - 10.1.8 terminating the complainant from employment

10.2 A mere inability to substantiate a Complaint or provide adequate proof need not attract action against the complainant.

10.3 A malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed.

11. Confidentiality

11.1 The contents of the Complaint, the identity and address of the Aggrieved Persons, Respondent and witnesses, any information relating to the conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by the Employer shall be disclosed strictly on a need to know basis within C-Quel and in any case shall not be communicated or made known to outside public, press or media in any manner.

However, information may be disseminated regarding the justice secured to any victim of Sexual Harassment without disclosing the name, address, identity, or any other particulars which may lead to the identification of the Aggrieved Persons or witnesses.

12. No Fear of Retaliation

C-Quel is fully committed to a safe and secure workplace, free from all kinds of harassment and bullying for all. There shall be no fear of retaliation or adverse employment consequences for filing a true and fair complaint.

'SATYAMEVA JAYATE'

'TRUTH ALONE TRIUMPHS'