



**TREE HOUSE EDUCATION & ACCESSORIES LIMITED**

**POLICY**

**ON**

**PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**

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## **POLICY ON REDRESSAL OF SEXUAL HARASSMENT OF WOMAN AT WORK PLACE**

### **I. OBJECTIVE:**

Our Company is committed to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment, creating a healthy and secure working environment that enables employees to work without fear of discrimination or harassment based on gender.

The objective of this policy is to prevent and protect against sexual harassment of women at workplace and to provide a mechanism for the redressal of complaints of sexual harassment and for matters connected therewith. Our Company strongly opposes sexual harassment, and such behavior against women is prohibited by the law as stipulated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

### **II. SCOPE AND EFFECTIVE DATE:**

This policy applies to all categories of Employees (as defined hereunder) of the Company. The Company shall not tolerate Sexual Harassment (hereinafter defined), including harassments by the principal, teachers or non-teaching staff of the Company or any of the clients, suppliers or any other business associates of the Company. This policy is with respect to Prevention, Prohibition and Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company's offices / branch offices / franchisees but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visit.

This policy shall come into force with immediate effect. The Company shall display at any conspicuous place in the Workplace (hereinafter defined), the penal consequences of Sexual Harassment and the order constituting the Internal Complaints Committee.

### **III. DEFINITIONS:**

- a. "Aggrieved Woman"** means a woman of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.
- b. "Company"** means Tree House Education & Accessories Limited.
- c. "Employee"** shall mean a person employed at a 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 called by any other such name.
- d. "Employer"** shall mean any person responsible for the Management, supervision and control of the Workplace the Board of Directors viz. any Senior Personnel or any other person who is one level below the Management of the Company. For the purpose of this definition "Management" includes the person or board or committee responsible for formulation and administration of policies for such organization.
- e. "Internal Complaints Committee (ICC)"** shall mean a Committee constituted by the Company to inquire into the complaints of Sexual Harassment by any Aggrieved Woman.
- f. "Respondent"** shall mean a person against whom the Aggrieved Woman has made a complaint to the Internal Complaints Committee.
- g. "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; or
- iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Following circumstances amongst other circumstances mentioned above may constitute Sexual Harassment if it occurs or is present in relation or connected with any act or behavior 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. interfering with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. humiliating treatment likely to affect her health or safety.

In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female Employee, will be considered as Sexual Harassment. Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent.

**h. "Workplace"** includes:

- i. All offices or other premises where the Company's business is conducted.
- ii. All company-related activities performed at any center away from the Company's premises.
- iii. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
- iv. Any place visited by the Employee arising out of or during the course of employment including transportation provided by the Employer for undertaking such journey.

#### **IV. INTERNAL COMPLAINTS COMMITTEE:**

The Company has constituted the ICC for redressal of Sexual Harassment complaints (made by the Aggrieved Woman) and for ensuring time bound treatment of such complaints.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the ICC will comprise of the following:

- i. Chairperson/ Presiding Officer** - Shall be a woman employed at a senior level at workplace amongst the Employees.
- ii. Two members-** Shall be amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- iii. One Member-** amongst Non-Governmental Organisations (NGO's) or associations committed to the cause of women.

Also, at least one-half of the total members so nominated shall be women.

**Quorum** - For conducting an inquiry, the quorum of the Internal Complaints Committee shall be a minimum of 3(three) members including the Presiding Officer.

The Internal Complaints Committee comprises of the following:

<b>Sr. No.</b>	<b>Name</b>	<b>Membership</b>
1.	Ms. Geeta Bhatia	Chairperson
2.	Mr. Rajesh Bhatia*	Member
3.	Mr. Vishal Shah*	Member
4.	Mrs. Sangeeta Rautji	Member (NGO)

#### **V. PROCEDURE FOR GRIEVANCE REDRESSAL:**

Any Aggrieved Woman may make, in writing, a complaint of Sexual Harassment at the Workplace to the Internal Complaints Committee giving details of the Sexual Harassment meted out to her, within a period of 3 (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 the last incident. This time limit may further be extended for 3 months if the

*\*Mr. Rajesh Bhatia and Mr. Vishal Shah are appointed as member of committee in place of Mr. Utsav Shrivastava and Ms. Shona Jaiswal in Board meeting held on February 14, 2016.*

ICC is satisfied that there were circumstances that prevented the Aggrieved Woman from filing a complaint within the specified timeline. The complaint can also be routed through the women representatives. The Internal Complaints Committee shall render all the reasonable assistance to the Aggrieved Woman for making the complaints in writing.

1. The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. Where the Aggrieved Woman is unable to make a complaint:
  - i. on account of her physical incapacity, a complaint may be filed by-
    - a) her relative or friend;
    - b) her co- worker;
    - c) an officer of the National Commission for Women or State Women's Commission; or
    - d) any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
  - ii. 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.
  - iii. on account of any other reason, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
  - iv. On account of her death, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

3. The Internal Complaints Committee may before initiating an inquiry, and at the Aggrieved Woman's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:
  - a. Monetary settlement will not be made as a basis of conciliation.
  - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.
  - c. Where, a settlement is arrived as mentioned hereinabove, no further inquiry shall be conducted by the Internal Complaints Committee. Where no settlement can be arrived at between the parties, the Internal Complaints Committee shall proceed to make inquiry into the complaint.
4. The Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the complainant and Respondent. The Internal Complaints Committee shall follow the principles of natural justice while handling such complaints.
5. Internal Complaints Committee on receipt of such written complaint, may, if required, ask the Aggrieved Woman to furnish additional information about the alleged harassment.
6. The complainant or person authorized on their behalf as per above provision, shall submit 6 (six) copies of the complaint to the Internal Complaints Committee through following mode:
  - a. Copy of complaint along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee.
  - b. On receipt of such complaint, the Internal Complaints Committee shall provide a copy along with supporting documents of such complaint to the Respondent within 7 (seven) working days.
  - c. Respondent shall file reply within 10 (ten) working days of receipt of the complaint along with list of documents, names and addresses of witnesses.



- d. The Internal Complaints Committee shall inquire into the matter of the complaint in detail. The Internal Complaints Committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
  - e. Internal Complaints Committee shall have the right to terminate the inquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 (three) consecutive hearings, without sufficient cause. 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 Internal Complaints Committee must complete its inquiry within a period 90 (ninety) days of the complaint being filed.
  - g. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
7. The Internal Complaints Committee may, during such inquiry, exercise the power of a civil court, vested in it, in respect of:
- a. summoning and enforcing the attendance of any person and examining him under oath;
  - b. requiring discovery and production of documents;
  - c. any other prescribed matter.
8. During such inquiry, upon written request by the Aggrieved Woman, the committee may at its discretion recommend:
- a. to transfer the Aggrieved Woman or the Respondent to any other workplace;
  - b. grant leave to the Aggrieved Woman of up to three months which is in addition to leave to which she is otherwise entitled;
  - 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;

d. restrain the Respondent from supervising any academic activity of the Aggrieved Woman.

**VI. ACTION BY INTERNAL COMPLAINTS COMMITTEE:**

1. The Committee shall on completion of the inquiry provide a report of its findings within 10 (ten) days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to take necessary action, including
  - a. To take action for Sexual Harassment as misconduct.
  - b. To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent from service or undergoing a counseling session or carrying out community service, loss of pay, loss of seniority, dismissal/termination of employment with or without notice or any compensation.
  - c. To deduct from salary / wages of the Respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the Aggrieved Woman or to her legal heirs, as it may determine.
  - d. To institute appropriate legal proceedings.
4. Such action will be taken within 60 (sixty) days of the receipt of report.

## **VII. FALSE ACCUSATIONS:**

The complaint of Sexual Harassment made by any Employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.

In case the Internal Complaints Committee on conclusion of the inquiry finds that the allegation was malicious or has been made by the complainant or the Aggrieved Woman knowing it to be false, or that the complainant or the Aggrieved Woman has produced any forged/misleading document, it will recommend to the Employer to take such actions as are prescribed under Paragraph V of this policy against the woman who has made the malicious complaint. In all such cases, the malicious intent on the part of the woman must be established before any action is recommended, it being clarified that the mere inability to substantiate a complaint or provide adequate proof will not be treated as a false complaint.

## **VIII. CRIMINAL PROCEEDINGS**

The Company shall, (i) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code, 1860 or any other law for the time being in force, and (ii) cause to initiate action, under the Indian Penal Code 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.

## **IX. CONFIDENTIALITY**

Complaints relating to Sexual Harassment shall be handled and investigations conducted maintaining strict confidentiality and all proceedings, including statements and other materials adduced before the Complaints Committee shall be treated as confidential.

The identity and address of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee, must not be published or disclosed to the public or media. Where any person publishes or discloses such information, he/she shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person, or where no service rules exist, a sum of Rs. 5000/- as penalty shall be recovered from such person.

#### **X. WORKSHOPS**

The Company shall, from time to time, whenever deemed fit:

- a. Carry out orientation programmes and seminars for the members of the Internal Complaints Committee;
- b. Carry out Employee awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- c. Conduct capacity building and skill building programmes for the members of the Internal Complaints Committee;
- d. Use modules developed by the State Government to conduct workshops and awareness programmes for sensitizing the Employees with the provisions of the Act.

#### **XI. ANNUAL REPORT**

The Internal Complaints Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its annual report:

- a. Number of complaints of Sexual Harassment received during the year;
- b. Number of complaints disposed during the year;
- c. Number of cases pending for more than 90 days;
- d. Number of workshops or awareness programmes against Sexual Harassment carried out;
- e. Nature of action taken by the Employer.

**XII. MISCELLANEOUS:**

1. Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act, Rules or any other applicable law for the time being in force. Any such alterations or amendment or rescinding shall be intimated to the Employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any Employee under any other Rules or Law.
3. In case of any queries/clarifications in relation to this policy, please contact [022-61306100] at and [[treehouseplaygroup@gmail.com](mailto:treehouseplaygroup@gmail.com)]

**XIII. CONCLUSION:**

Complaints relating to Sexual Harassment shall be handled and inquiries will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all the people involved, viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of inquiry.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the Respondent and it shall not limit or restrict the rights of the complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

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