

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

S. No.	Type of Information	Document Data
1.	Document Title	PoSH Policy
2.	Date of Release	01-Apr-2022
3.	Document Version No.	V 1.2
4.	Document Owner	HR
5.	Document Author(s)	External Member & Legal Expert (IC)
6.	Document Approver	Board

Version No.	Revision Date	Nature of Change
V 1.0	NA	New Document
V 1.1	01-Mar-2023	Reviewed & No change
V 1.2	17-Aug-2023	Reviewed & Updated

## 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”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

CData Software India Pvt. Ltd. (hereinafter the “Company”) intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. Further, we are committed to creating and maintaining a community in which all its employees can work together in an environment free of violence, harassment, exploitation, intimidation, and stress. Every person associated with the company should be aware that while the Company is committed to upholding the right to freedom of speech and expression and association, it strongly supports gender equality, provides equal opportunities, **and have zero tolerance towards any kind of harassment or discrimination.**

## Definitions

- “**Act**” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, as amended from time to time, and includes the rules framed thereunder.
- “**Internal Committee**” (**IC**) means a committee constituted with a minimum of four (4) persons who will investigate into complaints of alleged Sexual Harassment and make recommendations for resolution of the same to the Competent Authority.
- “**Competent Authority**” means the board of directors or the senior management of the Company.
- “**Employee**” means any person employed on the payroll of the Company to whom this Policy shall be applicable, and shall include any temporary, part-time or honorary employee, probationers, trainees, apprentices, by whatever name called, whether employed for remuneration or not, or working on a voluntary basis or otherwise, and would include persons engaged through a contractor or an agent, with or without the knowledge of the principal employer.
- “**Presiding Officer**” means the Presiding Officer of the Committee for Prevention of Sexual Harassment.

## **CData Software India Pvt Ltd**

- 
- **“Third Party”** means any person or persons not on the payroll of the Company, but, in the course of its work-related activities, interacting with the Employees of the Company.
  - **“Workplace”** means the department, organization, undertaking, establishment, enterprise institution, offices or branches of the Company, and any other place visited by an Employee arising out of or during his/her employment, including the transportation provided by the employer for undertaking such journey.
  - **“Sexual Harassment”** may occur not only where a person uses sexual behavior to control, influence or affect career, salary, or job of another person, but also between co-workers. It may also occur between an employee of the Company and someone that employee deals within 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):

- a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
  - i. Physical contact and advances.
  - ii. Demand or request for sexual favors.
  - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body.
  - 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.
  - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes.
  - vi. Giving gifts or leaving objects that are sexually suggestive.
  - vii. Eve teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy.
  - viii. Persistent watching, following, contacting of a person; and
  - ix. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

- b) The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
- Implied or explicit promise of preferential treatment in employment.
  - Implied or explicit threat of detrimental treatment in employment.
  - Implied or explicit threat about the present or future employment status; Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
  - 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.

- **“Aggrieved woman”** means in relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.
- **“Respondent”** means a person against whom a complaint of sexual harassment has been made by the aggrieved woman.

## Objective

The policy has been framed keeping in mind the following objectives in view:

- A. To fulfil the provisions contained in the Act and the directives issued by the Hon'ble Courts of India, enjoining all employers to develop and implement a policy against Sexual Harassment at the Workplace.
- B. To evolve a permanent mechanism for the prevention and redressal of cases involving Sexual Harassment and other acts of gender-based violence at the Workplace.
- C. To ensure the implementation of the Policy, in letter and in spirit, through proper reporting mechanisms for complaints and their follow-up procedures.
- D. To promote a social and psychological environment which will raise awareness about Sexual Harassment in its various forms.

## **CData Software India Pvt Ltd**

E. To generate public opinion against Sexual Harassment and all other forms of gender-based violence at the Workplace.

F. To ensure that Company upholds its commitment to ensuring an environment free of gender bias and / or gender -based discrimination at the Workplace.

## Scope

This Policy is applicable to all allegations of Sexual Harassment made by an employee of the Company or its associate/subsidiary companies, or a Third Party, alleged to have taken place at the Workplace.

## Roles & Responsibilities

1. **Responsibilities of Individual:** It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
  - a. Refusing to participate in any activity which constitutes harassment
  - b. Supporting the person to reject unwelcome behaviour
  - c. Acting as a witness if the person being harassed decides to lodge a complaint.

All are encouraged to advise others of behaviour that is unwelcome. Often, some behaviours are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviours.

2. **Responsibilities of Managers:** All managers at CData Software 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; those complaints will be taken seriously; and that the complainant, respondent(s), or witness(es) are not victimized in any way.

## Constitution of the Committee for Prevention of Sexual Harassment or Internal Committee

The Committee for Prevention of Sexual Harassment also referred to as Internal Committee (IC) shall be constituted as follows, with at least 50% (Fifty percent) of its members being women:

- Presiding Officer being a woman employed at a senior level at the Workplace.
- Members from amongst the Employees having experience in the field of social work or having legal knowledge.

## **CData Software India Pvt Ltd**

- An external member nominated by the Company from amongst NGOs or associations committed to the cause of women or a person familiar with the issues relating to allegations of Sexual Harassment.
- The term of office of the Presiding officer and the other members of the Internal Committee (IC) shall not exceed Three (3) years from the date of their nomination. The Internal Committee (IC) shall be deemed to be an inquiry authority for the purpose of service regulations and the report formulated by the same shall be deemed to be an inquiry report for disciplinary purposes.

### Procedure for Registering Complaints

All complaints must be made by the complainant, in person, in writing, to any member of the Internal Committee (IC) except circumstances in which the aggrieved person is unable to make a complaint on account of physical or mental incapacity, death or forced confinement.

In such cases the complaint can be made by a legal heir or any another person on behalf of the complainant. In exceptional cases, third party / witness complaints may also be entertained. Pursuant to such complaint, the Internal Committee will ascertain whether the person alleged to have been harassed wishes to lodge a formal complaint and further examine whether an investigation, intervention or some other assistance is mandated. The complainant can be accompanied by a representative, if desired by the complainant.

Complaints can also be sent to [posh-in@cdata.com](mailto:posh-in@cdata.com)

### Inquiry Procedure

A suggested inquiry procedure would be as follows: -

- An aggrieved person, or any one on their behalf (as set forth in the paragraph above) may register a complaint of Sexual Harassment with the Presiding Officer or, at their choice, with any of the other members of the Internal Committee. They should do so at the earliest point of time, but not later than Three (3) months from the date of occurrence of the alleged incident or in the case of a series of incidents, within a period of Three (3) months from the date of the last incident of Sexual Harassment. However, the Internal Committee (IC) may, for reasons to be recorded in writing, condone the delay in filing the complaint, for a further period not exceeding Three (3) months.

Inquiry shall be completed within Ninety (90) days of receiving a complaint by the Internal Committee (IC).

- The complaint will need to be made in writing. In the event the complaint is made orally, the complainant will be requested to confirm the complaint in writing.
- The Internal Committee (IC) or a minimum of Three (3) members of the IC (the Presiding Officer, at least one member from amongst the employees and the External Member), will meet the complainant within seven days of receipt of the complaint by the Internal Committee (IC).
- At the first meeting, the complainant will be heard, and her statements will be recorded. The complainant will be asked to produce any corroborative material that can substantiate the complaint.
- The Internal Committee (IC) will record the proceedings of the inquiry, and the attendance of the parties present at the said meeting.
- Thereafter, the alleged respondent/person accused of the alleged Sexual Harassment will be summoned for a meeting with the Internal Committee. The communication to the person accused will need to mention the fact that a complaint has been registered against him/her. During the meeting, the complaint will be narrated to the alleged accused in detail, and the accused will be given the opportunity to be heard.
- The Internal Committee (IC) will provide the accused with an opportunity to submit a written response, should he/she so desire, within ten (10) days of receipt of the statement/complaint.
- If the complainant or the accused wishes to call upon any witness(es), they must write to the Internal Committee with the names and contact details of the same, after which the Presiding Officer will summon the said witness(es).
- If the complainant or the accused wishes to provide any documentary evidence, he/she must supply true copies of the same to the Presiding Officer. To ensure that the documents are considered as true copies, parties will be required to self-attest the documents thus submitted.
- After having heard both the parties, the Internal Committee will examine the evidence provided by both parties. The inquiry may include meetings with witnesses, consultation with experts and any other activities required to establish a balanced view of the case.

- The Internal Committee will provide every reasonable opportunity to the complainant and to the accused to defend their respective cases.
- The Internal Committee will complete the inquiry as soon as is reasonably possible and submit the inquiry report with its recommendations within ten (10) days of the closure of the inquiry. The Competent Authority shall act within Sixty (60) days from the date of receipt of the inquiry report.
- In case the complaint registered by the Complainant is found to be frivolous or false, the complainant will be held liable for punishment.
- During the pendency of an inquiry, an aggrieved person may, upon a written request to the Committee of Prevention of Sexual Harassment, seek –
  - a. transfer the aggrieved person or the respondent to another Workplace; or
  - b. grant of leave to the aggrieved person for a period of up to Three (3) months (in addition to the leave she would be otherwise entitled).
  - c. The Internal Committee (IC) may also restrain the alleged offender from reporting on the work performance of the complainant, or formulating the confidential report, in any manner.
- The entire set of proceedings, documents, and details of the parties to proceedings under this Policy shall be treated with strict confidentiality and shall not be disclosed to any person/ third party who do not have the need to know, published, communicated, or made known to the public, press or media, in any manner whatsoever.
- The Company and the Competent Authority shall ensure that such confidential information is duly protected by a Confidentiality Agreement, signed by the parties concerned. Any person found in breach of terms of such agreement shall be subjected to disciplinary action by the Company. Provided however that, information may be disseminated by the Company, regarding the justice secured to any victim of sexual harassment under this Policy without disclosing the name, address, identity, or any other particulars of the parties concerned.

Any person aggrieved by the recommendations of the Internal Committee (IC), or the non-implementation of its recommendations, may prefer an appeal to the competent Court or tribunal, without prejudice to provisions contained in any other law for the time being in force. The Appeal shall be preferred within a period of ninety (90) days from the date of such recommendations.



---

## Redressal

The complaints may be addressed as follows: -

- The Internal Committee can recommend the Company to suspend the alleged harasser from an assignment if his / her presence is likely to interfere with the inquiry.
- The Company upon receipt of an inquiry report, shall institute disciplinary action against the offender, in accordance with the relevant service regulations applicable to offender.
- The Company, may also, deduct from the salary or wages payable to the offender, such sums as it may deem appropriate to be paid to the aggrieved person or their legal heirs, as the case may be.
- The disciplinary action will be commensurate with the nature of the offence committed, and may be in the form of:
  - a. Warning
  - b. Written apology
  - c. Debarring from supervisory duties
  - d. Denial of re-employment
  - e. Stoppage of increments / promotion
  - f. Suspension; and / or
  - g. Any other relevant mechanism, as appropriate, in accordance with the applicable service regulations.

## Conciliation

At the request of the aggrieved person, the Internal Committee (IC) may attempt to settle the complaints between the concerned parties through conciliation. Provided that “no monetary settlement shall be made a basis of a conciliation pursuant to this Paragraph.”

- Where a settlement has been arrived at, the Internal Committee (IC) shall record the terms of the settlement and forward the same to the Competent Authority to take appropriate action as specified in the recommendation.
- The Internal Committee (IC) shall provide the copies of the settlement as recorded to the concerned parties.
- Where a settlement is arrived at, no further inquiry or action shall be conducted by the Internal Committee (IC).

---

## **CData Software India Pvt Ltd**

---

## Consequences of false complaint and evidence

Where the Internal Committee (IC) arrives at a conclusion that the allegation against the alleged offender is malicious or the complainant has made the complaint knowing it to be false, or produced any forged or misleading document, that during the inquiry any witness has given false evidence or produced any forged or misleading document the Internal Committee (IC) may recommend the Company / Competent Authority:

- To act against the complainant in accordance with the provisions of the service regulations applicable to the complainant as mentioned in the appointment letter.
- Where no such service regulations exist, then to take such action including a written apology, warning, reprimand, or censure, withholding of promotion, withholding of pay rise or increments, termination of service or undergoing a counselling session or carrying out community service.

## Protection against Victimization and Confidentiality

The Company has an obligation to ensure that a person who registers a complaint in good faith and without malice is protected and will not allow a person raising a concern to be victimized for doing so. In the unfortunate event where, despite the best of precautions, the complainant is victimized, the Company shall treat this as a serious matter and take appropriate disciplinary action against the perpetrator.

The identity of the complainant, respondent, witnesses, statements, and other evidence obtained in the course of inquiry process, recommendations of the Internal Committee (IC), action taken by the employer is considered as confidential materials, and not published or made known to the public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

---

## Responsibility and Authority - Powers and Functions of the Internal Committee(IC)

### Preventive Steps-

The Internal Committee shall-

- i. facilitate a safe environment that is free of acts of Sexual Harassment.
- ii. promote an atmosphere that ensures gender equality and equal opportunities, the Company shall take steps such as conducting sensitization workshops and awareness programs at regular intervals and monitor the timely submission of the reports.

### Remedial Steps-

The Internal Committee shall-

- i. ensure that the mechanism for registering complaints is safe, accessible, and sensitive.
- ii. take cognizance of complaints about Sexual Harassment, conduct enquiries, assist and redressal to the victims, recommend penalties and act against the alleged offender, if necessary.
- iii. advise the Competent Authority to issue warnings to prevent the alleged offender if the complainant consents.
- iv. seek medical, police and legal intervention with the consent of the complainant.
- v. arrange for appropriate psychological, emotional, and physical support (in form of counselling, security, and other assistance) to the victim, if so desired.

## Maintenance of Documents

For effective compliance of this Policy, the company maintains the following-

- Copies of all complaints received by the Internal Committee (IC)
- Attendance records of the members of the Internal Committee (IC)
- Copies of all documents/ material used as evidence, while conducting investigations of the complaint.
- Any other document/ evidence/ complaint/ decision related to the complaint.

## Amendment to Policy

No amendment to this Policy can be carried out except with written approval of the Competent Authority.

---

## Members of the Committee for Prevention of Sexual Harassment

PoSH Committee mail ID: Posh-in@cdata.com

Si.No.	Name	Designation	Email
1)	Ms. Valerie Brecht	Presiding Officer	Valerieb@cdata.com
2)	Mr. Praveen Sahu	Committee Member	Praveens@cdata.com
3)	Ms. Ramya N	Committee Member	Ramyan@cdata.com
5)	Ms. Aparna B S	Committee Member	Aparnab@cdata.com
4)	Ms. Koeli Mandal	IC - External Member	koelicmandal@gmail.com

In line with the above, the employer has constituted the above Internal Committee (IC) for a period of Three (3) years. In case of any vacancy, the employer is authorized to fill the vacancy, in line with the basic eligibility requirements stipulated in the Act.

### **CONCLUSION:**

In conclusion, the company reiterates its commitment to providing its employees a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

Complaints relating to Sexual Harassment shall be handled and investigations 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 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 investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of the 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.