

## **AUSTERE SYSTEMS LIMITED**

### **PREVENTION OF SEXUAL HARASSMENT POLICY**

(Effective from Thursday, 1st Day of August 2024 approved by Board of Director on Thursday, 1st Day of August 2024)

#### **Objective**

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.

Austere Systems Limited (hereinafter "**ASL**") is committed to create a secure work environment where all its stake holders such as Employees, Agents, Clients and Partners can work and pursue business in an atmosphere free from any sexual harassment, exploitation and intimidation.

ASL values each and every employee working with them and is committed to protect their dignity and self-respect. Further, ASL is determined to maintain personal integrity; promote a working environment where both genders complement each other as equals and to strive for maximum productivity.

The objective of this policy is 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.

#### **Definitions**

- a. "**Aggrieved Person**" or "**Complainant**" means a person in relation to a work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent
- b. "**Company**" means Austere Systems Limited, in short 'ASL'.
- c. "**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 whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- d. "**Employer**" means Chairman and Managing Director of ASL, or any other Officer declared as such in its service rules.

- e. **"ASL Internal Complaints Committee"** or **"AICC"** means a committee constituted by Company as per this policy.
- f. **"Respondent"** means a person against whom the Aggrieved Person has made a complaint.
- g. **"Sexual Harassment"** includes 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 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;

In addition, the following acts and/or circumstances, among other circumstances, if they occurs or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in the employment;
  - ii. Implied or explicit threat of detrimental treatment in the behaviour;
  - iii. Implied or explicit threat about their present or future employment status;
  - iv. Interfering with their work or intimidating or offensive or hostile work environment;
  - v. Humiliating treatment likely to affect the health and safety of the Aggrieved Person.
  - vi. Any other act or behaviour, that any reasonable person may view as such
- h. **"Workplace"** includes all Company premises and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

## **Roles & Responsibilities**

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 behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint

Responsibilities of Managers: All managers at ATL must ensure that nobody is subjected to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints shall be taken seriously; and that the Complainant, Respondent/s, or witnesses are not victimized in any way.

## **Redressal Mechanism**

In compliance with the Act, any complaint under this policy shall be followed by a formal redressal mechanism as described in this Policy.

## **Constitution of ICC**

To inquire and advise suitable action on the complaints on Sexual Harassment, there shall be a Committee called as ASL Internal Complaints Committee (hereinafter "**AICC**"). The AICC shall be constituted by the following members:

- (a) A Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees. In case of non-availability of senior level woman employee, the Presiding Officer shall be nominated from administrative units of the work place. Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation.
- (b) Not less than two (2) Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge:
- (c) One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. Provided that at least one-half of the total Members so nominated shall be women.

## **Responsibilities of AICC**

The AICC shall be responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

## **Lodging of Complaint**

The Complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the AICC members at the workplace. The complaint must be lodged within 3 months from the date of incident/ last incident. The AICC can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint. In case, a complaint cannot be made in writing, the Presiding Officer or any Member of the AICC shall render all reasonable assistance to the Aggrieved Person for making the complaint in writing.

If the Aggrieved Person is unable to lodge the complaint on account of their incapacity, the following may do so on their behalf, with their written consent:

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than an AICC member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the AICC immediately.

### **Guidelines for Receiver of Complaint**

The following points are to be kept in mind by the receiver of the complaint:

- The complaint should be heard and the Complainant should be assured that the Company takes the concerns seriously
- The Complainant should be informed that these concerns shall be reported to the appropriate committee and their shall be a speedy disposal of the same
- Situations should not be pre-judged.
- Written notes must be taken while listening to the person.
- The Complainant should have the liberty to bring another person to the meeting if they wish.
- Clear description of the incident in simple and direct terms should be prepared
- All notes should be kept strictly confidential.
- The Complainant's consent should be taken to proceed with the matter, which involves a formal investigation.
- The Complainant should be informed that although the process is confidential, the Respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the Complainant's identity
- Care must be taken to prevent any disadvantage to or humiliation of either the Complainant or the Respondent

### **Conciliation**

Once the complaint is received, upon the request of the Aggrieved Person and before initiating the inquiry the AICC may take steps to conciliate the complaint between the Complainant and the Respondent. It should be made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the Respondent. It is a practical mechanism through which issues are resolved or misunderstandings are cleared.

In case a settlement is arrived at, the AICC shall record & report the same to the employer for taking appropriate action. It should be noted that no monetary settlement should be made as a basis of conciliation. Resolution through conciliation should happen within 2 weeks of receipt of complaint. The AICC shall provide copies of the settlement to Complainant & Respondent. Upon conciliation, no further inquiry should be conducted.

### **Initiation of Inquiry**

The AICC shall initiate inquiry in the following cases:

- No conciliation is requested by the Aggrieved Person;
- The conciliation has not resulted in any settlement;
- Complainant informs the AICC that any term or condition of the settlement arrived through conciliation, has not been complied with by the Respondent.

## **Inquiry**

The AICC shall proceed to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the AICC shall send 1 copy of the complaint to Respondent within 7 working days
- Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The AICC shall make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three AICC members including the Presiding Officer shall be present

## **Interim relief**

During the pendency of the inquiry, on a written request made by the Complainant, the AICC may recommend to the employer to -

- Transfer the Complainant or the Respondent to any other workplace
- Grant leave to the Aggrieved Person of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the Respondent from assessing the Complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer shall inform the AICC regarding the same.

## **Termination of Inquiry**

The AICC may terminate the inquiry or give ex-parte decision, if the Complainant or Respondent respectively is absent for 3 consecutive hearings, without reason. A 15 day written notice shall be provided to the party, before termination or ex-parte order.

## **Inquiry procedure**

All proceedings of the inquiry should be documented. The AICC should interview the Respondent separately and impartially. The AICC shall state exactly what the allegation is and who has made the allegation. The Respondent should be given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings should be prepared which may be shared with the Respondent and Complainant upon request.

Any witnesses produced by the Respondent should also be interviewed and their statements must be recorded. If the Complainant or Respondent desires to cross examine any witnesses, the AICC shall facilitate the same and record their statements. In case Complainant or Respondent seeks to ask questions to the other party, they may give them to the AICC which shall ask the same and record the statement of the other party. Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry commenced. The inquiry procedure should ensure absolute fairness to all parties.

## **Considerations while preparing inquiry report**

While preparing the findings/recommendations, the following should be considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of Complainant, Respondent, witnesses and evidence
- Previous behavior and track-record for e.g. if there have been any previous accounts of harassment pertaining to the Respondent
- Whether both parties have been given an opportunity of being heard

A copy of the proceedings should be made available to both parties enabling them to make representation against the findings A copy of the final findings should be shared with the Complainant and the Respondent to give them an opportunity to make a representation on the findings to the AICC.

## **Action to be taken after inquiry**

Post the inquiry the AICC shall submit its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

## **Complaint unsubstantiated**

Where the AICC arrives at the conclusion that the allegation against the Respondent has not been proven, it shall recommend to the employer that no action is required to be taken in this matter. Further, the AICC shall ensure that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither party will face any disadvantage in the company.

## **Complaint substantiated**

Where the AICC arrives at the conclusion that the allegation against the Respondent has been proven, it shall recommend to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counseling
- ii. Censure or reprimand
- iii. Apology to be tendered by Respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Management may deem fit.

In furtherance to the aforementioned action, a sum, determined in accordance with Section 15 of the Act should be paid to the Aggrieved Person as compensation after deduction of an equal amount from the salary or wages of the Respondent.

The employer at ATL shall act upon the recommendations within 60 days and confirm to the AICC.

### **Malicious Allegations**

Where the AICC arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Person or any other person making the complaint 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 document, it may recommend to the employer to take action against the Aggrieved Person or the person making the complaint. The action recommended should be similar to the ones proposed for the Respondent in case of substantiated complaints. While deciding malicious intent, the AICC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

### **Confidentiality**

The identity of the Complainant, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, action taken by the employer shall be considered as confidential information, and thence, should be not published or made known to the public or media. Any person in contravention of the confidentiality clause shall be subjected to disciplinary action as prescribed in the Act.

### **Appeal**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

**ANNEXURE  
MEMBERS OF AICC**

***[Pantomath Comment: Please insert the name of current members of the AICC.]***