



# **POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**

*[The Sexual Harassment of Women at Workplace  
(Prevention, Prohibition and Redressal) Act, 2013]*

*This policy applies to all the employees, consultants, directors and associates of  
the below mentioned companies.*

***Creativeland Asia Pvt. Ltd***

Policy adopted by the Board of Directors: February 27, 2013

Date of last revision: July 1, 2019

## **1. OBJECTIVE**

Creativeland Asia Private Limited is committed to lawful and ethical conduct of business and believes in creating and maintaining a secure work environment that ensures every woman employee can pursue business in an atmosphere free of harassment, exploitation and intimidation caused by acts of sexual harassment within but not limited to office premises and other locations directly related to the Company's business.

The Company also believes that all its employees have the right to be treated with dignity, respect and afforded equitable treatment and every employee has the right to be protected against harassment. The Company does not discriminate its employees on the grounds of gender and promotes a work environment that encourages mutual respect, courteous and congenial relationships.

The objective of this policy is to educate the employees about what constitutes sexual harassment and provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

The Company has zero tolerance for any form of sexual harassment and that such behavior against woman is prohibited by the law as set out in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act") and Rules framed there under. The Company will take serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

## **2. SCOPE AND APPLICATION OF THE POLICY:**

This Policy extends to all categories of employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes in effect immediately. The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to Company's offices / branches 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.

The policy is not intended to impair or limit the right of any Employee or third party seeking a remedy available under law. Proceedings under this policy shall continue notwithstanding any proceedings initiated by an Aggrieved Woman against an alleged perpetrator under applicable law.

### **3. DEFINITION**

- a) Aggrieved Woman means:
  - (i) 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;
  - (ii) in relation to a dwelling place or house, a woman, of any age who is employed in such a dwelling place or house.
- b) 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.
- c) Employer shall mean the Head of Human Resource department of the Company.
- d) Internal Committee means a committee constituted by Company as per this Policy.
- e) Respondent means a person against whom the aggrieved person has made a complaint.
- f) Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
  - (i) Physical contact and advances; or
  - (ii) A demand or request for sexual favors; 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; or

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 their employment;
- (ii) implied or explicit threat of detrimental treatment in their employment;
- (iii) implied or explicit threat about their present or future employment status;
- (iv) interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safe
- (v) humiliating treatment likely to affect the health and safety of the aggrieved person.

g) Workplace includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit of the Company. 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.

#### 4. **COMPLAINTS MECHANISM:**

Constitution of an Internal Committee: Every complaint received shall be forwarded to internal committee formed under the policy for redressal. The investigation shall be carried out by Internal Committee constituted for this purpose. The Internal Committee has been constituted of the following members as nominated by the Company, and further any change in such composition shall be affected in the policy:

##### **MUMBAI:-**

<b>SR. No.</b>	<b>Name</b>	<b>Designation</b>	<b>Email Id/Tel No.</b>
1.	Sneha Varindani	Chairperson	<a href="mailto:sneha.varindani@creativelandasia.com">sneha.varindani@creativelandasia.com</a>
2.	Gauri Poswal	Member	<a href="mailto:gauri.poswal@creativelandasia.com">gauri.poswal@creativelandasia.com</a>
4.	Akshata Pamkar	Member	<a href="mailto:Akshata.pamkar@creativelandasia.com">Akshata.pamkar@creativelandasia.com</a>
5.	Harshad Lad	Member	<a href="mailto:harshad.lad@creativelandasia.com">harshad.lad@creativelandasia.com</a>
6.	Rupal Sheth	Member	<a href="mailto:Rupal.sheth@creativelandasia.com">Rupal.sheth@creativelandasia.com</a>
7.	Leena Kejriwal of Missing Girl Foundation	External NGO Member	<a href="mailto:leenakejriwal@gmail.com">leenakejriwal@gmail.com</a>

##### **GURGAON:-**

<b>SR. No</b>	<b>Name</b>	<b>Designation</b>	<b>Email Id/Te1 No.</b>
1.	Sneha Varindani	Chairperson	<a href="mailto:Sneha.varindani@creativelandasia.com">Sneha.varindani@creativelandasia.com</a>
2.	Sudeepa Ghosh	Member	<a href="mailto:sudeepa.ghosh@creativelandasia.com">sudeepa.ghosh@creativelandasia.com</a>
3.	Gauri Poswal	Member	<a href="mailto:gauri.poswal@creativelandasia.com">gauri.poswal@creativelandasia.com</a>
4.	Akshata Pamkar	Member	<a href="mailto:Akshata.pamkar@creativelandasia.com">Akshata.pamkar@creativelandasia.com</a>
5.	Dip Sengupta	Member	<a href="mailto:dip.sengupta@creativelandasia.com">dip.sengupta@creativelandasia.com</a>
6.	Leena Kejriwal of Missing Girl Foundation	External NGO Member	<a href="mailto:leenakejriwal@gmail.com">leenakejriwal@gmail.com</a>

## **5. PROCESS FOR INITIATING A COMPLAINT:**

- a) The Aggrieved Woman should give a written complaint to any of the Committee members at the earliest point of time and in any case within 3 (three) months from the date of occurrence of the alleged incident/ last of series of incidents. The complaint should contain all the material and relevant details concerning the alleged harassment including the name of the contravener.
- b) Provided that where such complaint cannot be made in writing the Presiding Officer or any member of the Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.
- c) Provided further that the Committee may for the 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 woman from filing a complaint within the said period.
- d) Who can file a complaint:
  - (1) Where the Aggrieved Woman is unable to make a complaint on account of their physical incapacity, a complaint may be filed by:
    - (i) a relative or friend; or
    - (ii) a co-worker; or
    - (iii) an officer of the National Commission for Women or State Women's Commission or
    - (iv) any person who has knowledge of the incident, with the written consent of the aggrieved person.
  - (2) Where the Aggrieved Woman is unable to make a complaint on account of their mental incapacity, a complaint may be filed by: irrelative or friend; or
    - (i) a special educator' or
    - (ii) a qualified psychiatrist or psychologist; or
    - (iii) the guardian or authority under whose care they are receiving treatment or care; or
    - (iv) any person who has knowledge of the incident jointly with any of the above.
- e) Where the Aggrieved Woman for any other reason is unable to make a complaint, complaint may be filed by any person who has knowledge of the incident, with their written consent.
- f) Where the Aggrieved Woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
  - (i) Internal Committee on receipt of such written complaint, may, if require ask the Aggrieved Woman to furnish additional information about the alleged harassment.

- (ii) Prior to initiating the inquiry, the Committee may, at the request of the aggrieved woman, take steps to settle the matter between the Aggrieved Woman and the respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation and in case a settlement has been arrived, then the settlement terms shall be signed by both the parties and shall be provided with a copy of it.
- (iii) If conciliatory process is not requested, the Internal Committee will enquire into the matter within 90 (ninety) days and present the report within 10 (ten) days of inquiry.
- (iv) It would be entitled to elicit and summon all forms of evidence in this regard and the concerned parties would co-operate.

**6. PROCEDURE TO BE FOLLOWED IN CASE OF INQUIRY:**

Both parties shall be given an opportunity of being heard before the Committee during the course of inquiry.

- a) On a written request by the Aggrieved Woman, the Committee may, at its own discretion, recommend to the Employer to
  - (i) the Aggrieved Woman or the respondent to any other workplace; or
  - (ii) grant leave to the Aggrieved Woman upto a period of three months; or
  - (iii) grant such other relief to the Aggrieved Woman as may be prescribed.

Provided that the Aggrieved Woman has to tender justified reason seeking for such transfer or leave.

- b) After examination of the complaint, the Committee will arrive at a decision ("Finding"). A copy of the Finding shall be presented to the concerned party.
- c) Either party shall then be allowed to make a representation against the decision, before the Committee.
- d) If the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
  - (i) Take action for Sexual Harassment as a misconduct.
  - (ii) To tender written apology to the complainant, issue warning, withholding of promotion/ increments of the Respondent, terminating the Respondent.
  - (iii) 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 their legal heirs, as it may determine.

Such action will be taken within 60 (sixty) days of the receipt of the Finding.

- e) No action shall be taken against the respondent if allegations are not proved.

- f) When allegations are found false or malicious and false evidence is provided to the committee, disciplinary action will be taken against the responsible party (aggrieved woman, respondent or anyone else). In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or
- g) Provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the
- h) Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents
- i) If the action amounts to (offense under Indian Penal Code, then the aggrieved shall be recommended to initiate criminal proceedings. The Company will provide complete support to initiate the proceedings.
- j) Any person aggrieved from the recommendation of the Committee reserves the right to prefer an appeal within a period of 90 (ninety) days to the authority as prescribed under the applicable law.

## **7. DUTIES OF THE EMPLOYER**

The company shall in addition to having in place an Internal Committee, also fulfil the following duties:

- a) Display at conspicuous places, the penal consequences of the Sexual Harassment.
- b) Organize workshops and awareness programs at regular intervals to sensitize the employees on provisions of the Act.
- c) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry and make available all such information to the Internal Committee as may be required.
- d) Assist in securing the attendance of respondent and witnesses before the Internal Committee.
- e) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- f) Monitor the timely submission of reports by the Internal Committee.

## **8. MISCELLANEOUS:**

- a) Policy Review: The 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. Any such alterations or amendment or rescinding will be intimated to the employee. The following members shall constitute a policy committee ("Review Committee") for reviewing the policy from time to time and to deliberate upon and to take corrective steps, as may be necessary, on any matter brought to its notice or arising out of a decision taken by the Internal Committee:
1. Ms. Sneha Varindani
  2. Mr. Harshad Lad
  3. Ms. Gauri Poswal
  4. Mr. Rupal Sheth
  5. Ms. Akshata Pamkar
- b) Confidentiality: The Company understands that it is difficult for the Aggrieved Woman to come forward with a complaint of Sexual Harassment and recognises the Aggrieved Woman's Interest in keeping the matter confidential. Therefore, confidentiality will be maintained throughout the investigative process to the extent practicable and appropriate under the circumstances to protect the interest of the Aggrieved Woman by the Respondent and others who may report incidents of Sexual Harassment.

If you have any questions regarding this policy, please contact your HR representative or member of the Committee at [sneha.varindani@creativelandasia.com](mailto:sneha.varindani@creativelandasia.com)

**For Creativeland Asia Pvt. Ltd**

**V. Balasubramanian  
Chief Financial Officer**