

25 Policy On Prevention Of Sexual Harassment (PoSH) of Women at Workplace

Policy No.	CATALYST\HR\25
Policy Owner	Chief Human Resources Officer
Function	HR & Admin
Approver	Managing Director
Issue date	01-04-2023
Version	1.0
Last amended on	

I. Objective:

The occurrence of sexual harassment in the workplace, any reference to sexism, gender stereotyping or gender-based discrimination and the need for a healthy, safe environment for all workers, including women, has been taken note of, and the Hon'ble Supreme Court has laid down guidelines for its prevention and deterrence in 1997.

Whereas sexual harassment results in a violation of the fundamental rights of women to equality under Articles 14 and 15 of the Constitution of India ("Constitution") and right to life and live with dignity under Article 21 of the Constitution and her right to practice any profession or to carry on any occupation, trade or business which includes right to safe working environment. The protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as the Convention on the Elimination of all Forms of Discrimination Against Women ("Convention"), which was ratified on 25th June 1993 by the Government of India. Based on the guidelines framed by the Hon'ble Supreme Court of India in Vishaka versus the State of Rajasthan and the statute ratified vide Convention, the Government of India, Ministry of Law and Justice has constituted the Sexual Harassment of Women at Workplace Act, 2013.

In line with the aforesaid guidelines, CATALYST is committed to providing and promoting a safe, healthy and congenial atmosphere irrespective of gender, caste, creed or social class of the employees. CATALYST in its endeavour to provide a safe and healthy work environment for all its employees has developed a policy to ensure zero tolerance towards verbal, physical, or psychological conduct of a sexual nature by any employee or stakeholder that directly or indirectly harasses, disrupts or interferes with another's work performance or creates an intimidating, offensive or hostile environment such that each employee can realize his / her maximum potential.

This policy is meant to sensitize the employees about their fundamental right to have a safe and healthy environment at their workplace what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent the occurrence of any such event, and in the chance of an occurrence, to enable a fair mechanism for dealing with such conduct CATALYST has constituted an Internal Complaint Committee ("ICC") located at Pune office as per the guidelines of the Act. Hereinafter "ICC" shall be referred to as the "Committee". For the purpose of this Policy, the expression "CATALYST" shall mean Comprehensive Support Services Pvt Ltd.

II. Scope:



The Prevention of Sexual Harassment Policy is applicable: -

- a) To all consultants and employees of CATALYST, which as per section 2(f) of the Act, means any person who has been employed as regular, temporary, ad-hoc or on daily wages basis either directly/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 shall include contract worker/probationer/apprentice/Executive Trainees/Management Trainees, etc. hereinafter defined as “Employees/Consultants”.
- b) To employers, which as per section 2(g) of the Act, shall mean any person authorized /designated to be the Employer within the means of the Act by CATALYST.
- c) On office premises and all areas which can be termed as a notional extension of Employer’s premises. It also includes 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. The incident is covered during/after office hours.
- d) All the visitors and vendors associated with us and visiting any premises of the company, or whose premises our employees visit during the course of business.

The respective ICC is required to enquire all Complaints made under the provisions of the Act and as per this Policy/guideline in a just and fair manner and submit their report to the respective Employer (s), as the case may be. It is pertinent to mention that the Employer only has the right to punish any accused hereunder and ICC is an advisory body to meet the ends of justice.

Any act of sexual behaviour is included if such an act is perceived to be detrimental to a healthy and congenial work environment.

In the event any employee experiences any act of sexual harassment at any place other than its workplace and /or extended workplace, the Employer is obligated to provide all the assistance, support and help to the said employee for Redressal of his/her Complaint.

III. Guidelines:

It is mandatory for all employees/consultants to follow this policy and the guidelines formulated herein. Sexual Harassment at the workplace will be deemed to be a violation/breach of terms of employment, and a criminal offence in addition to a violation of gender equality guaranteed under the constitution.

IV. Definition of Sexual Harassment:

For the purpose of this Policy, Sexual Harassment shall include:

- 1. Any form of verbal or physical behaviour which is unsolicited and unwelcome and interferes with an individual’s work performance by creating an intimidating/insecure working environment. Unwelcome sexually determined behaviour (whether directly or by implication) in any form, such as:
 - a) Physical contacts and advances.
 - b) A demand or a request for sexual favours.
 - c) Sexually coloured remarks.
 - d) Showing pornography.
 - e) Any other unwelcome physical, verbal/non-verbal conduct of a sexual nature



2. Where any of these acts is committed in circumstances where the Complainant has a reasonable apprehension that in relation to the Complainant's employment or work whether drawing a salary, honorarium or voluntary, whether in public or private enterprise such conduct can be humiliating and may constitute a health and safety problem.

This list is illustrative not exhaustive and applicable irrespective of gender.

3. Definitions for reference:

Complainant: can be a Person who has been subject to Sexual Harassment and/or any Person reporting an incident of Sexual Harassment. A third party can also be a Complainant, however, a written Complaint from the Person who has been subject to Sexual Harassment is mandatory to be filed with the respective ICC.

Respondent: The person who is alleged/reported to have committed an act of Sexual Harassment.

V. Preventive Measures:

1. Each of the Committees will meet regularly. Minutes of the Meeting ("MoM") of the same will be prepared and submitted on a quarterly basis / as decided by the Committee to the Employer. The quorum for the meeting of the Committee would constitute at least three members present in person or at least fifty percent of the total members of the Committee, whichever is higher.
2. At the end of every Financial Year, an Annual Report containing all the details like the number of Complaints filed, the stage of each Complaint and the number of Complaints redressed will be prepared and furnished by the respective Employer to the Board.
3. Sensitization programmes /workshops would be organized; meetings would be convened for all employees as well as special meetings to be conducted with only the women employees by the respective ICC on a regular basis in order to do the following:
 - a) To sensitize employees about their right to have a safe and healthy work environment.
 - b) To spread awareness about the same either by way of publication, advertisement or by convening meetings.
 - c) To discuss with women employees general Issues involving challenges faced by them at the workplace, if any and workshops on various aspects of the Act.
 - d) Increase awareness amongst employees and overcome the hesitation and discomfort in discussing Issues involving Sexual Harassment at the workplace by convening open town hall meetings so that employees can come up in the open and share their views and ideas.
 - e) The Committee would also assist Complainants if required to file a Complaint.
4. Introduce a system to record the names of employees who must stay late (beyond 8.00 PM) in the office with reasons. Security on duty need to visit the workplaces every half an hour post 8.00 PM.
5. Maintain records of all sexual harassment cases and findings
6. Display penal provisions for sexual harassment.

VI. Reporting of Sexual Harassment Complaints:

Any aggrieved person who feels/presumes that he/she has been subject to sexual harassment by a person, including a supervisor, manager, or employee of another organisation or vendor by way of any



action or words should immediately report or complain about the incident to the respective ICC as set forth below as the case may be or to any member of respective ICC within three months from the date of occurrence of the said incident and in case of a series of incidents within a period of three months from the date of the last incident. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behaviour.

If a Complaint cannot be made in writing, any member of the respective ICC shall render all reasonable assistance to the aggrieved person for making the Complaint in writing.

If the Committee is satisfied that the circumstances were such that prevented the Complainant from filing the Complaint within said period, they can extend the time limit not exceeding 3 (three) months.

VII. Confidentiality:

The Company will do everything consistent with the enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly.

Information about individual Complaints and their disposition is considered confidential and will be shared only on a “need-to-know” basis. However, the ICC members and/or Employer shall not be held responsible under the present confidentiality clause in the event the Complaint is filed by a third party and/or material facts regarding the Complaint are already known to other persons/ individuals.

Further, once the Complaint is redressed by the respective ICC, the Employee should share the information with all employees about the filing, Redressal and disposal of the Complaint in a fair and timely manner without disclosing the name of the Complainant and Respondent.

VIII. Assurance against Retaliation:

This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behaviour that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions.

Such disciplinary action will be proposed by the Committee as per the provisions of the Act and as per this Policy/guideline and on the recommendation of the respective Committee the Employer, would ensure implementation of same.

IX. Complaint Reporting Channel:

1. A Complaint should be made to the respective ICC of CATALYST and redress such Complaint as per the present Policy as guided by the ICC. Further, the findings of the ICC shall be reported to the **Chief Human Resources Officer**.
2. In the event of any Complaint which involves employees of CATALYST and other CATALYST (Group Company), the same shall be redressed by a Core Committee constituting of one external member, two nominated members each from the respective CATALYST ICC and CATALYST Group Company.
3. The Chairperson of the respective ICC and HR head will review the constitution of the members of ICC as and when required and make new appointments, if so required on the exit of any member(s) on a case-to-case basis.



{As and when the composition of any of the Committee is revised, the same will be updated in the policy which is in the domain of all employees through CATALYST intranet}.

4. Each member of the Committee will hold office (*be a committee member*) for not more than three years.
5. The committee is mandatorily required to involve an external member (a senior member of an NGO or other body who is familiar with the Issues of sexual harassment) during the enquiry of Complaint(s) and formalization of the Report in connection therewith.
6. The names and contact details of each ICC member are in **Schedule A**, herein. Any subsequent change in **Schedule A** to this Policy, if approved by the CMD and/or Director/ HR Head, shall be deemed to be part & parcel of this Policy.

X. Complaint Mechanism:

1. A Person who has been subject to Sexual Harassment may make in writing a Complaint of sexual harassment at the workplace to the Committee within a period of three months from the date of incidence and in case of a series of incidences within a period of three months from the date of last incidence. Provided that where such Complaint cannot be made in writing, the presiding Chairperson or any member of the respective ICC or the chairperson shall render all reasonable assistance to the Complainant for making the Complaint in writing.
2. If the Committee is satisfied that the circumstances were such that prevented the Complainant from filling the Complaint within said period, they can extend the time limit not exceeding three months.
3. The Complainant is required to send the written Complaint to the respective ICC by way of six copies of the letter detailing the Complaint. The Complainant may also email the Complaint to a Committee member. The Complaint may be made in the format provided in **Schedule B**, herein or in such manner containing all the information as provided in **Schedule B**.
4. It is pertinent to mention that the written Complaint is mandatorily required to be filed by the Complainant with full name and details for seeking any action under this Policy and/or the Act. Any anonymous Complaint shall not be entertained.
5. Where the Complainant is unable to file the Complaint of their own, their legal heirs or parents, spouse, children or sibling can file the Complaint.
6. A third party can also be a Complainant however, a written Complaint from the Person who has been subject to Sexual Harassment is mandatory to be filed with the respective ICC.
7. Both written/emailed Complaint must provide the details of the incident together with the name/s of the Respondent/s and the Complainant/s as available.

XI. Enquiry Procedure:

1. A timely enquiry of Complaints of sexual harassment is of utmost importance. Normally, the enquiry shall be concluded and acted upon at the earliest from the date of the Complaint being made in writing.
2. The respective ICC will conduct an enquiry and provide an opportunity to the Complainant as well as the Respondent to represent their case and explanations/reasoning thereto.
3. In the event any Complaint is received, the following procedure shall be followed by the respective ICC:



- a) An enquiry is initiated through the members of respective ICC, as advised by the Chairperson at the earliest after receiving the Complaint in writing/email.
- b) The enquiry seeking detailed information/explanation/ reasoning will be conducted with the Complainant as well as the Respondent independently by the respective ICC.
- c) The enquiry proceedings convened by respective ICC should always be minutes and/or video recorded and same to be saved and maintained for records by the respective ICC. The proceedings of the enquiry (while the witness makes his/ her submission) should be recorded on camera.
- d) On submission of the report the respective ICC shall consider the report at the earliest and, on being satisfied with the need, may order a full enquiry into the Complaint.
- e) It is important to mention herein that the respective ICC on receipt of any Complaint from the Complainant should upfront seek his / her expectation from the ICC regarding the Complaint and the respective ICC should also brief the Complainant about the option of conciliation available to him/her with the Respondent, if so desired by the Complainant. However, once the enquiry is initiated the option of conciliation ceases to exist.
- f) The respective ICC will study the findings and shall then proceed to deal with the Complaint in accordance with the Policy and the Act and redress the Complaint within ninety (90) days from the date of receipt of the Complaint and accordingly submit its detailed finding and advise in connection with the Complaint to the **Chief Human Resources Officer**, as the case may be.
- g) However, the respective ICC may close the enquiry and/or is not required to initiate same in the event the Complainant fails to appear before the respective ICC and/or fails to revert to the query(s) raised by the respective ICC for three consecutive events. The respective ICC shall record the reasons for closure of the Complaint accordingly. Further, in the event the Respondent deliberately avoids his / her appearance before the respective ICC, the employer or any person so appointed by the employer should direct / instruct the Respondent to appear before the respective ICC.
- h) Thereafter, the respective ICC will present the decision including handover of all the collected material i.e. the duly signed statement of the Complainant, Respondent, witnesses, involved parties and material objects if any along with recommendation to the HR Head of respective business.
- i) In the event that there are no eyewitnesses, the respective ICC may have to resolve a sexual harassment claim based on the credibility of the parties. Circumstantial evidence also would play an important role during the decision-making process by the Committee.
- j) The employer may seek clarification from the respective ICC on the recommendation and will implement the same.



- k) The final decision shall be communicated to the Complainant and the Respondent.
- l) An enquiry in connection with any Complaint may be initiated/continued irrespective of the fact that a police proceeding has also been initiated in connection with the said Complaint.

XII. Procedure of Submission:

The Enquiry Committee/Member/s of the Committee should be prepared to deal with the Complainant's embarrassment and anger by patiently, but firmly, explaining the details and documentation that are needed for an accurate enquiry.

1. The Complainant should be interviewed first, to ensure that all important details and witnesses are identified promptly and if any material object is provided the same should be received, numbered and preserved.
2. It is important for the respective ICC to be objective and non-judgmental and allow the Respondent to respond to each allegation. The respective ICC should inform the Respondent of the type of disciplinary action that may be taken if the Complaints are found to be true.
3. Both parties should be told to avoid contact with one another, and ways to minimize contact should be implemented.
4. In the event the Complainant has filed a Complaint against his / her reporting manager, or any person placed high on the hierarchy then during the enquiry the Complainant may:
 - a) Either seek a transfer; or
 - b) Take leave from employment for a maximum period of 3 months
5. The Complainant should report any further incidents of harassment or retaliation during the continuance of enquiry.
6. Witnesses should be told as little as possible about the details of the Complaint in order to maintain confidentiality under the Policy.

XIII. Criminal Proceedings

1. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law (of that country), the respective Employer (as the case may be) based on the findings and advice of the respective ICC may initiate appropriate action in accordance with law by making a Complaint with the appropriate authorities. A detailed list of Indian penal sections involving sexual harassment is provided in **Schedule C**, herein.
2. The respective ICC would help the aggrieved if they chose to file a Complaint under the Indian Penal Code.
3. The respective ICC would ensure that Complainants or witnesses are not victimized or discriminated against while dealing with Complaints of sexual harassment.

XIV. Mala Fide Complaints:



1. If the enquiry reveals that the Complaint is unjustified or the Complainant had raised the concern with ulterior motives, the Employer or any person duly authorized by the Employer will counsel the Complainant and recommend suitable action to prevent recurrence.
2. However, the Employer or any person duly authorized by the Employer will ensure that the Complainant is not victimized.
3. Requisite penal actions, as mentioned in **Schedule C** may be invoked against Mala Fide Complainant.

XV. Professional Consequences of Violation of the Policy:

1. Any employee, supervisor or manager who is found to have violated the harassment policy (whether sexually harassing another employee of the opposite sex or the same sex or if any person falsely accuses another person of sexual harassment) shall be subject to appropriate disciplinary action.
2. In the event any criminal proceedings are initiated the matter may be referred to Group Head HR/Group Head Legal or such other person as may be authorized by the Employer.
3. The organisation shall not tolerate any form of retaliation against employees for bringing bona fide Complaints or providing information about harassment.
4. However, as per the findings of the enquiry of a Complaint it is found out that the Complaint was false or was made with a mala fide intent, the Complainant may be subject to disciplinary actions, up to and including termination.
5. If any act of sexual harassment occurs as a result of an act or omission by any third party or outsider, the respective Employer will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

XVI. Conclusion:

At CATALYST, we endeavour to provide a conducive and healthy work environment where the relationship among the employees as well as with the Employer is cordial and supportive in all aspects so that each employee shall have an enriching experience. The objective of this policy is to ensure our employees that CATALYST is determined to provide them excellent, comfortable, safe and healthy work environment so that they can come out with their best in all facets.

Schedule "A"

List of members in Internal Committee (IC). There should be a minimum of 5 (five) members and more than 50% of the total members should be females including the external member.

Sl.	Name	Designation	Contact Number	E-mail
1				
2				
3				
4				
5				

Available with HR department.

Schedule "B"



The written complaint should contain a description of each incident(s). When writing your complaint, be specific and provide as much detail as possible. Be sure to include the dates, Time of incidents, Location, Name of any witnesses, and a description of the harassing behaviour. A person designated to manage the workplace sexual harassment complaint is required to help in writing the complaint if the complainant seeks it for any reason.

It is important to describe the behaviour in as much detail as possible, including any inappropriate comments, gestures, or physical contact that you experienced. Once you send in your formal complaint, be sure to keep a copy of the complaint yourself as well as all correspondence thereafter.

Keep in mind that your employer has a responsibility to investigate your complaint and take appropriate action to address the situation. Failure to do so can result in liability for the employer.

Sample Sexual Harassment Complaint Letter

Date:

To,
The Presiding Officer
Internal Committee of Catalyst Service Solutions Partners Pvt. Ltd. constituted under
The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and
Rules, 2023
Yash Tower, 401-402, Opp. D.A.V. Public School,
Aundh, Pune, Maharashtra - 411007

Dear Madam,

I am writing to report that I have been subjected to sexual harassment in the workplace, which is prohibited by Indian law. The harassment has created a hostile work environment, and I feel that it is important to bring this matter to your attention.

Specifically, **[describe the behaviour or incidents that constitute the harassment, including dates, times, and any witnesses]**. This behaviour has created an uncomfortable and intimidating environment for me and has interfered with my ability to do my job effectively.

I am requesting that an immediate and thorough investigation be conducted into this matter, in accordance with Indian law. I also request that appropriate action be taken to put a stop to the harassment and prevent it from happening in the future.

As you know, Indian law prohibits retaliation against an employee who reports sexual harassment. Therefore, I request that you take all necessary steps to protect me from any retaliation or adverse action for reporting this matter.

Please keep the matter confidential to the extent possible to protect my privacy and prevent retaliation.

Thank you for your prompt attention to this matter.



Sincerely,
[Your name]
Employee code:
Unit Name/Branch Name:
Location:

Schedule C

Section 14 is made and hugely implemented for giving a penalty to the false complaints which are made by the complainants. These complaints are made intentionally. If no evidence or proof regarding such a complaint is found, then it will be said to be filed with some malicious intent and will be punished under this section under the POSH Act without any excuse. Any person or woman who files such a complaint either knows beforehand that it is a forgery or knows that they are making it falsely. They are trying to take advantage of the law which is made for the betterment of society and hence misuse any law treated with strict Actions. Penalizing this person is much needed so that no other person will again try to make the same mistake or else will have to face reasonable consequences.

The Management, may its discretion, reviews this policy periodically and makes modifications as necessary from time to time.

