

Centre for Responsible Business, CRB

Policy for Prevention, Prohibition and Redressal of Sexual Harassment

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At the Centre for Responsible Business (CRB) (“Company”) we have a zero tolerance towards Sexual Harassment. CRB is an equal opportunity employer and is committed towards creating a healthy, safe and secure work environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.

The Company strongly believes in a work culture wherein all the employees have the right to be treated with dignity, fairness and respect. Sexual harassment at the workplace or outside the workplace if involving employees is a grave offence and is, therefore, punishable.

1. Objective

- The Policy aims to create awareness and understanding about prevention, prohibition and redressal of sexual harassment among CRB employees and to inform them about existing mechanisms and processes on this subject in CRB
- The Policy is meant to promote a healthy work environment that is free from harassment of all kinds for all those covered. The Policy provides for an effective Complaint and Redressal mechanism for any cases of harassment including sexual harassment cases and other acts of gender-based violence at the workplace.
- The Policy has been formulated keeping in view the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the “Act”) and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the “Rules”). 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.

2. Application

This policy applies to all regular employees, trainees, interns, probationers, consultants, advisors, vendors, partners, clients etc engaged by the company either directly or indirectly.

2.a Rollout

The policy will be rolled out in a phased manner to ensure effective implementation. The **first phase** will be initiated with internal stakeholders including, staff, consultants, advisors, interns, probationers. During this phase (*ongoing, upto two months*), CRB will set up all structures, processes and mechanisms. This will be followed by intensive awareness raising and trainings.

In the **second phase**, CRB will ensure the effective application of the policy to the external stakeholders including, vendors, partners and clients. This would entail incorporation of the POSH Act in all contracts and agreements as an immediate step. CRB will also undertake awareness building interventions with it’s external stakeholders. Some elements of phase two may run parallelly with phase 1.

In the **final phase**, CRB will work with the external stakeholders to enable the adoption of POSH down the value chain, including different tiers of suppliers. This will be implemented through awareness and capacity building.

3. Definition

3.1 Sexual Harassment:

Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:

- Physical contact or advances, or
- Demand or request for sexual favours, or
- Sexually coloured remarks, or
- Showing pornography, or other offensive or derogatory, cartoons, representations, graphics, pamphlets, or sayings or
- Any other unwelcome physical, verbal or non-verbal conduct/behaviour of sexual nature
- Verbal or non-verbal communication which offends the individual's sensibilities and affects individual performance and has sexual connotation/ overtone/ nature

The following circumstances, in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment (not an exhaustive list):

- Implied or explicit promise of preferential treatment in his/her/their employment
- Implied or explicit threat of detrimental treatment in his/her/their employment
- Implied or explicit threat about his/her/their present or future employment status
- Interferes with his/her/their work or creating an intimidating or offensive or hostile work environment for him/her/them.
- Humiliating treatment likely to affect his/her/their health or safety

3.2 Aggrieved person

"Aggrieved person" means a person, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes regular employees, contractual staff, temporary employees, partners, consultants, vendors, interns, volunteer, trainees, probationers, advisors, clients and visitors.

3.3 Workplace:

"Workplace" means:

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by the CRB.

- Places visited by the employee arising out of or during the course of employment including accommodation, transport provided by the employer for undertaking such journey
- Any misbehavior in the nature of sexual harassment on any social networking website shall also be considered Sexual Harassment at workplace irrespective of whether such sexual behavior was shown during or outside of office hours.

3.4 Complainant:

A Complainant is any aggrieved person (including a representative as more fully described under the said Rules, if the aggrieved person is unable to make a complaint on account of their mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.

3.5 Respondent:

A Respondent means the person against whom the complainant has made a complaint under this policy.

3.6 Employer:

“Employer” means the person who is responsible for management, supervision or control of the workplace including appointment/removal/termination of employees and is the CEO of CRB.

4. Third Party Harassment

If sexual harassment is the result of an act or omission by any third party or outsider, the Company will take necessary and reasonable steps to assist the aggrieved person in terms of support and preventive action including assisting the aggrieved person who wishes to file a complaint with the local police.

5. Internal Committee (“IC”) or POSH Committee

An Internal Committee (IC) also referred to as the CRB POSH Committee shall be constituted from the corporate office of CRB and shall comprise of the following members namely:

- A Presiding Officer, who shall be a senior-level woman employee at CRB
- At least two (2) members from amongst employees preferably committed to the cause of women or who have experience in social work or related legal knowledge
- One member from amongst a leading non-governmental organization (NGO) committed to the cause of women empowerment, equality or a person familiar with the issues relating to sexual harassment
- The names and contact details of all members of the IC for each office shall be duly displayed on the main notice board of such office.
- The Committee must be reconstituted at the end of three years. The same members may be re-nominated after due process.

6. CRB POSH Committee:

The following are the members of the POSH Corporate Committee as per the resolution passed at the meeting of the Board of Directors held on 01 March 2022:

1. Ms.Nandni Sharma, Presiding Officer, nandni@c4rb.in, 9999313771
2. Ms. Devyani Hari, Internal Member, devyani@c4rb.in, 9650755611
3. Mr. Vivek Kumar Singh, Internal Member, vivek@c4rb.in, 8126595580
4. Ms. Salamrit Vrik, External Member, salamrit.virk@poshca.in, 9811970309

7. Removal or Replacement of CRB POSH Committee member or Presiding Officer

In the event that the Presiding Officer and / or any member of the CRB POSH Committee: contravenes any provisions of the Policy; or

- has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him / her / them; or
- has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him / her / them; or
- has so abused his / her / their position as to render his / her / their continuance in office prejudicial to public interest, such Presiding Officer or member as the case may be, shall be removed from the CRB POSH Committee.

Any vacancy created due to cessation of employment, resignation, death, disability or removal, as applicable, shall be filled by a fresh nomination by the employer in accordance with Clause 5 of the policy.

8. Sexual Harassment Redress System

8.1 Procedure for complaint:

- 8.1.1 If any aggrieved person believes that he/she/they has been subjected to sexual harassment, he/she/they can approach the CRB POSH Committee at his/her/their region/location and file a complaint as described below:
- 8.1.2 A complaint may be made in writing within a period of three (3) months from the date of occurrence of an incident/last incident.
- 8.1.3 The CRB POSH Committee may, for reasons to be recorded in writing, extend the further time limit up to three (3) months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint.
- 8.1.4 The complainant shall submit to the CRB POSH Committee, six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses in case of written complaint.
- 8.1.5 It is expected that the written complaint should have complete details of the incident /incidents and all possible supporting documents (messages, mails, etc.).
- 8.1.6 Where an aggrieved person is unable to make a complaint on account of his/her/their physical incapacity, a complaint may be filed by his/her/their relative or friend; or his/her/their co-worker; or an officer of the National Commission for

Woman or State Women's Commission; or any person who has knowledge of the incident, with the written consent of the aggrieved person;

- 8.1.7** Where an aggrieved person is unable to make a complaint on account of his/her/their mental incapacity, a complaint may be filed by his/her/their relative or friend; or a special educator; or a qualified psychiatrist or psychologist; or the guardian or authority under whose care he/she/they is receiving treatment or care; or any person who has knowledge of the incident jointly with his/her/their relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she/they is receiving treatment or care;
- 8.1.8** Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with his/her/their written consent;
- 8.1.9** Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her/their legal heir.
- 8.1.10** If any employee believes that he/she/they has been subjected to sexual harassment, such a person can file a complaint with any member of the committee or send an email to POSH@cr4rb.in in case the complaint is against the presiding officer complaint can approach HRD.

8.2 Conciliation

- 8.2.1** Prior to initiating an inquiry, the CRB POSH Committee may, at the request of the Complainant, take steps to settle the matter between the complainant and the respondent through conciliation. No monetary settlement shall be made the basis of such conciliation.
- 8.2.2** Such settlement may include an apology and undertaking from the respondent or/and the respondent agreeing to gender sensitization or related training or any other settlement arrived upon. In case a settlement has been arrived at, the CRB POSH Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
- 8.2.3** The CRB POSH Committee will provide copies of the settlement as recorded to the complainant and the respondent.
- 8.2.4** Upon conciliation being reached, the CRB POSH Committee would not be required to conduct any further inquiry.

8.3 Inquiry

- 8.3.1** In cases where a settlement is not feasible or could not be arrived at through conciliation (refer clause 8.2), the CRB POSH Committee will conduct an inquiry into the complaint. Additionally, an inquiry will also be initiated if the aggrieved person informs the CRB POSH Committee if any of the terms of settlement (refer clause 8.2.2) have not been complied with by the respondent.
- 8.3.2** The committee will ask the complainant to prepare a detailed statement of incidents/ allegations.
- 8.3.3** The CRB POSH Committee shall send a copy of the complaint received from the aggrieved person to the respondent within seven (7) working days.

- 8.3.4** The respondent shall file his reply to the complaint along with his/her/their list of documents and names and addresses of witnesses, within ten (10) working days from receipt of copy of the complaint.
- 8.3.5** The committee will organize a verbal hearing with the complainant and the respondent. If circumstances demand, the proceedings shall be held virtually.
- 8.3.6** The CRB POSH Committee shall conduct an inquiry in accordance with the principles of natural justice. Both the parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the CRB POSH Committee.
- 8.3.7** The CRB POSH Committee will take testimonies of witnesses and other relevant persons and review the evidence wherever necessary.
- 8.3.8** During the inquiry process, the complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- 8.3.9** Minutes will be taken down to record the proceedings.
- 8.3.10** The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the CRB POSH Committee.
- 8.3.11** In conducting the inquiry, a minimum of three members of the CRB POSH Committee including the Presiding Officer shall be present.
- 8.3.12** The CRB POSH Committee shall have the right to terminate the inquiry proceedings or decide the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself or themselves for three consecutive hearings convened by the Presiding Officer (3 notices in writing, with the gap of 15 days will be served) after giving notice in writing, fifteen days in advance, to the concerned party.
- 8.3.13** Where both the parties are employees, the parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make a representation against the findings before the Committee.
- 8.3.14** The inquiry shall be completed within ninety days from the date of receipt of the Complaint.

8.4 Action during Pendency of Inquiry

During the pendency of an inquiry, on a written request made by the Complainant, the CRB POSH Committee may recommend the following actions to be taken:

- transfer the aggrieved person or the respondent to any other workplace
- grant leave to the aggrieved person up to a period of three months
- restrain the respondent from reporting on the work performance of the aggrieved person or writing his/her/their confidential report and assign the same to another officer.
- The leave granted to the aggrieved person shall be in addition to the leave he/she/they is otherwise entitled to.
- On receiving a recommendation from the CRB POSH Committee, the employer shall implement the recommendations and send a report of such implementation to the CRB POSH Committee.

- 8.4.1** The committee will be empowered to do all the things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that victims or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the committee will also have the discretion to make appropriate interim recommendations in relation to an accused person including suspension, transfer, leave, change of work location etc.

8.5 Confidentiality

- 8.5.1** Inquiry into a complaint will be conducted in such a way as to maintain confidentiality. It will include a private interview with the person filing the complaint and with any witnesses. The CRB POSH Committee will also interview the person alleged to have committed sexual harassment.
- 8.5.2** The contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by the management shall not be published, communicated or made known to the public, press and media in any manner, subject to paragraph 8.5.3 below.
- 8.5.3** The information regarding the justice secured to any victim of sexual harassment may be disseminated without disclosing the name, address, identity or any other particulars, which can lead to identification of the aggrieved person and witnesses.
- 8.5.4** Any person who breaches the duty of confidentiality shall be liable for penalty of Rs. 5000.

8.6 Findings of the CRB POSH Committee

An inquiry may result in one of the following conclusions:

- 8.6.1** The allegation against the respondent has been proved: In this case, CRB POSH Committee shall recommend to the employer:

(a) to take any action for misconduct including a written apology, reprimand, warning or censure; withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service;

(b) to deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved person or to her legal heirs, as it may determine in accordance with the Act and Rules. However, if the Company is unable to make such deduction from the salary of the respondent due to his / her / their being absent from duty or cessation of employment, it may direct to the respondent to pay such a sum to the aggrieved woman. Also, if the respondent fails to pay such a sum, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

- 8.6.2** The allegation against the respondent has not been proved:
In this case, CRB POSH Committee shall recommend to the employer that no action is required to be taken in the matter.

- 8.6.3** The allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or produced any forged or misleading document:

In this case, the IC may recommend to the employer to take action against the person who has made the complaint, as a misconduct and or recommend to the management to take any action including a written apology, reprimand, warning or censure; withholding of promotion, withholding of pay rise or increments, termination, who has made the complaint, as the case may be, from service or undergoing a counselling session or carrying out community service.

It is clarified that a mere inability to substantiate a complaint or provide adequate proof need not attract aforesaid action against the complainant. It is clarified further that the malicious intent on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.

On the completion of an inquiry, the IC shall provide a report to the employer within ten (10) days. The employer shall act upon the recommendation within thirty (30) days of its receipt.

8.7 Appeal

Any person aggrieved by the recommendations of the IC or non-implementation of such recommendations may prefer an appeal under the relevant provisions of the Act and Rules.

8.8 Retaliation

CRB will not accept, support or tolerate retaliation in any form against any employee who, acting in good faith, reports suspected misconduct, asks questions or raises concerns. Any person who engages in such retaliation directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary action.

- Retaliation means and includes any hurtful employment action against an individual/s.
- Retaliation will be treated as a major misconduct.
- Retaliation against those reporting sexual harassment is prohibited by this policy.
- Anyone suspecting or experiencing retaliation should report to the appropriate authorities.
- Anyone feeling that a retaliation complaint did not get a prompt response can contact the - HR directly.
- Retaliation cases are treated as seriously as an alleged case of Sexual Harassment even if the original sexual harassment complaint is not proven.

9. Responsibilities

9.1 Duties of the CRB POSH Committee

The CRB POSH Committee of the Company shall have the following duties:

- 9.1.1 Follow the principles of natural justice and treat the complainant, respondent, witnesses and related persons to the inquiry with dignity and respect and give both the Complainant and the Respondent a fair opportunity to make their submissions.
- 9.1.2 Submit to the employer and the District Officer an annual report as enumerated in Rule 14 of the "Rules".
- 9.1.3 To make efforts to ensure that the complainant and the witnesses are not further victimised or discriminated against while the complaint is pending.
- 9.1.4 Keep the matter confidential and assist the aggrieved person in filing the complaint, in case the person is unable to do so.
- 9.1.5 To keep complete and accurate documentation of the complaint, its investigation and the resolution thereof.
- 9.1.6 Set an example of proper and appropriate workplace behaviour and ethical standards in line with CRB Code of Conduct.

9.2 Duties of the Employees

The employees shall have a responsibility to:

- 9.1.7 Become fully informed about and compliant with CRB's policy on prevention of workplace sexual harassment;
- 9.1.8 Attend training programs to be better informed about sexual harassment;
- 9.1.9 Speak up where either they or someone they know is experiencing sexual harassment at work
- 9.1.10 Desist from and discourage the spreading of rumours with regard to any instance of sexual harassment;
- 9.1.11 Maintain confidentiality regarding any aspect of an investigation which they may be party to;
- 9.1.12 employees will also have the responsibility to ensure that all persons or agencies that they are contracting for their work are available of this policy and implications of SH allegations
- 9.1.13 Every effort should be made to promptly report any incident of sexual harassment

9.2 Duties of the Company

- 9.2.1 Treat sexual harassment as misconduct under the service rules.
- 9.2.2 Encourage respectful and dignified behaviour at the workplace .
- 9.2.3 Display at conspicuous places in the workplace, the penal consequences of sexual harassment.

- 9.2.4 Organize workshops and awareness programs at regular intervals for sensitizing employees with the provisions of this policy.
- 9.2.5 Carry out orientation programmes and seminars for the members of CRB POSH Committee and conduct capacity building and skill building programmes for the members of CRB POSH Committee.
- 9.2.6 Carry out employee's awareness programmes and create forums for dialogues.
- 9.2.7 Declare the names and contact details of all the members of CRB POSH Committee.
- 9.2.8 Ensure that necessary facilities and information are provided to the CRB POSH Committee for dealing with the complaint and conducting an inquiry.
- 9.2.9 Assist in securing the attendance of Respondent and witnesses before the CRB POSH Committee and make available such information to the CRB POSH Committee as it may require with regards to the complaint.
- 9.2.10 Cause to initiate action, under the Indian Penal Code, against the Respondent, or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of sexual harassment took place.

9.3 Duties of Human Resources

Human Resource team members have the same duties as the employee and additional responsibilities as a custodian of the CRB Code of Conduct and statutory guidelines.

- 9.3.1 Make information, policies and procedures available to employees via the Web, or any other mode.
- 9.3.2 Take cognizance of the written complaint and bring the complaint immediately to the POSH Committee and provide all kinds of support for the further investigations as a part of the inquiry process.
- 9.3.3 Ensure that employees and other stakeholders are communicated properly about the Policy. Not attempt to investigate or verify the information unless instructed by the legal Department personnel in charge of the investigation and the POSH Committee.
- 9.3.4 Carry out all corrective measures and remediation established in the final decision.