

CLL POLICY MANUAL

SEXUAL HARASSMENT POLICY

Version: - 02

Policy Owners	All employees
Policy Administration	Human Resources
Initiated by	Human Resources
Authorized by	Managing Director/Joint Managing Director
With Effect from	1 st May 2015
Last Version (01)	1 st February 2014 to 30 th April 2015

1. Purpose

CLL is committed to provide a working environment free of sexual harassment. The CLL Sexual Harassment Policy has been formed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaint pertaining to sexual harassment.

2. Background

The base of CLL Sexual Harassment Policy comes from:

- (a) The Supreme Court, in Vishaka v State of Rajasthan, relied on the convention on the Elimination of all forms of Discrimination against Women and the Constitutional provisions and laid down guidelines which defined sexual harassment at work place and codified preventive measure and redressal mechanisms to be undertaken by employers. Based on this The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act") has been made effective from April 23, 2013 by way of publication in the Gazette of India.
- (b) The Criminal Law (Amendment) Ordinance, 2013 after Nirbhaya case recognised certain acts as offences. These new offences include acid attack, sexual harassment, voyeurism, stalking as offences and have been incorporated into Indian Penal Code.

3. Scope

CLL Sexual Harassment Policy covers regular, temporary, ad hoc employees, individuals engaged on daily basis (either directly or through an agent), contract labor, co-workers, probationers, trainees and apprentices with or without the knowledge of the principal employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

4. What is sexual harassment?

Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- (a) physical contacts and advances;
- (b) a demand or request for sexual favors;
- (c) sexually colored remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory when the complainant has reasonable grounds to believe that his/her objection would disadvantage them in connection with employment, including recruiting or promotion or when it creates a hostile environment.

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories - quid pro quo and creation of a hostile working environment.

(a) Under the quid pro quo (meaning this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favors for granting or retaining job benefits and threatens to punish the employee if the conditions are not met. This also covers cases where there is no overt or covert threat of punishment.

(b) A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity. (For example offensive jokes). No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co-workers. However, an employee who is sexually harassed, can complain about the same even if there is no adverse job consequence.

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5. Duties of the employer

- (a) Providing a safe working environment;
- (b) Displaying conspicuously at the workplace, the consequences of indulging in acts that may constitute sexual harassment and the composition of CLL Complaint Committee;
- (c) Organizing workshops and awareness programmes for members of the CLL Complaint Committee.

6. If you are being harassed

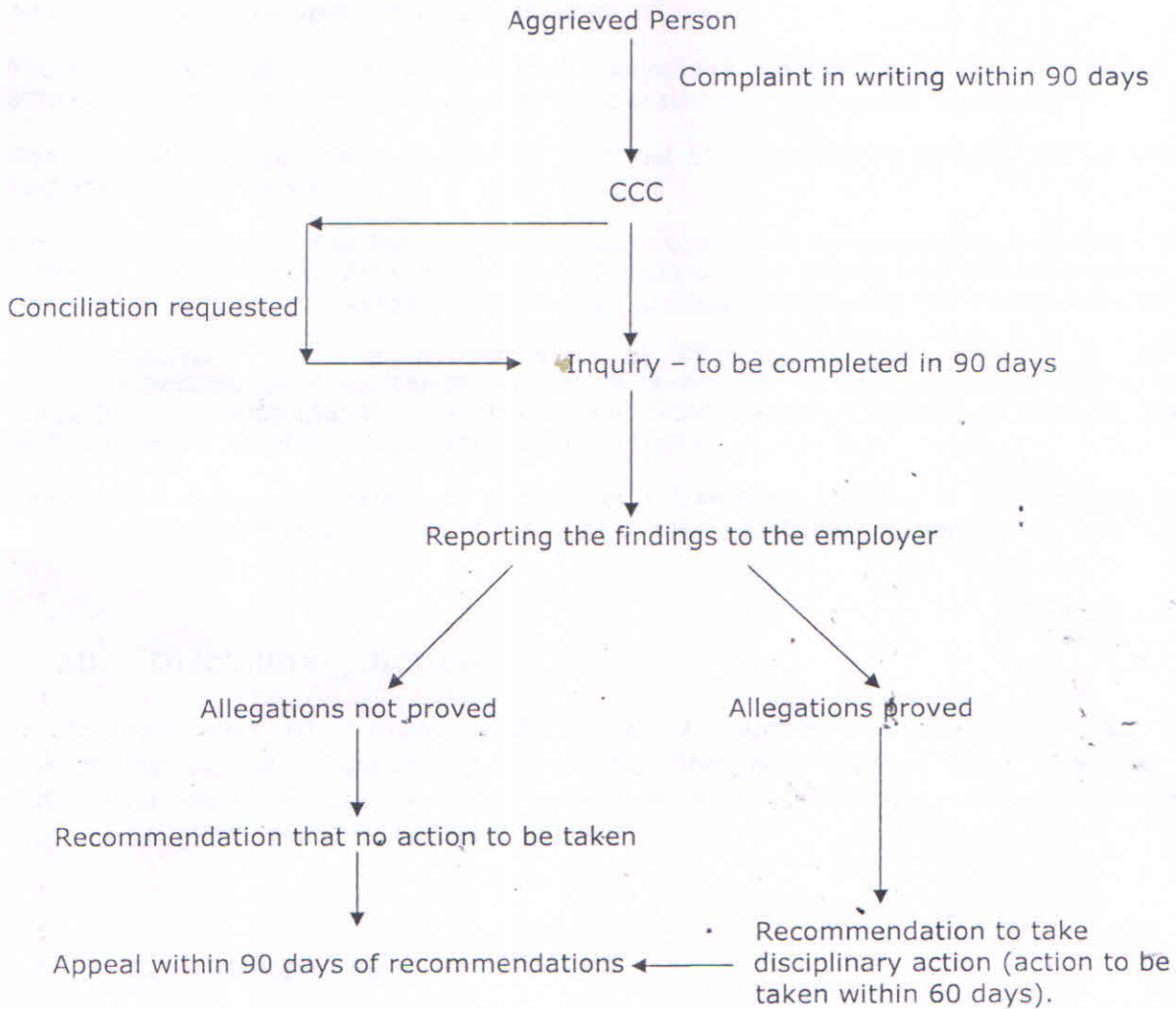
- (a) Tell the accused that his/her behavior is unwelcome and ask him/her to stop;
- (b) Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but
- (c) a record can strengthen your case and help you remember the details over time, in case the complaint is not filed immediately.
- (d) File a complaint as soon as possible. If after asking the accused to stop his/her behavior, the harassment continues, report the abuse to the Complaint Committee formed for this purpose.

7. CLL Complaint Committee

A complaint committee has been formed consisting of the following:

Chairperson	Ms. Stela Choksi
Member	Ms. Khyati Choksi
Member	Ms. Shaila Deshpande
Member	Mr. Gaurav Shrivastava
Fallback Member	Dr. Shudhashu Agnihotri

8. Process for Complaint and Inquiry



9. Dealing with the Complaint

It is the obligation of all employees to report sexual harassment experienced by them personally. A concerned co-worker may also inform the Chairperson of the Complaint Committee of any instance or behavior of sexual harassment by a co-worker towards another employee.

The concerned employee shall give his complaint in writing to the any of the Committee member giving details of the incident within a week of its occurrence.

All complaints will be kept strictly confidential.

The person accused will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated and may invite legal action.

The Committee shall ensure that a fair and just investigation as per the law of natural justice is undertaken within a week.

Both the complainant and the alleged accused initially will be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.

The complainant and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 3 months of the receipt of the complaint. If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be subjected to suitable disciplinary actions as below.

The victim of sexual harassment has the option to seek transfer of the accused or his/her own transfer, and the Employer reserves the right to take a suitable decision.

10. Disciplinary Action

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include deduction from salary/wages, transfer, withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant.

11. Confidentiality

All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

12. Protection against retaliation

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaint of sexual harassment, the Committee shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the accused against the complainant while the investigation is in progress should be reported by the complainant to the Complaint Committee as soon as possible. Disciplinary action will be taken by the Complaint Committee against any such complaint which is found genuine.

13. Documentation

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainant's and the accused's files with the full report of the Complaint Committee.

14. Dissemination of the Policy

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

15. Complaint made with a malicious intent

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual/tarnishing his/her image in the company and to settle personal/professional scores, strict action will be taken against the complainant. The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.