

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH) AT WORK PLACE

ABM KNOWLEDGWARE LTD.

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1. Scope and Objective

ABM Knowledgeware Limited (“ABM”) is committed to creating a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. ABM is dedicated to maintain an environment which is free from coercion and intimidation. The purpose of the policy is to promote gender equality and a safe, discrimination-free work environment for all employees. To encourage employees to understand their responsibilities and take an active role in preventing harassment and to provide a safe atmosphere for employees who can depend upon the organization's support in resolving their concerns on sexual harassment at work regardless of position or status.

This Policy extends to all employees of ABM and is deemed to be incorporate in the service conditions of all employees and comes into effect immediately.

ABM shall adopt certain procedures and guidelines to govern cases against sexual harassment. The procedure has been provided below in ABM’s policy against sexual harassment (“**Policy**”).

All allegations of sexual harassment shall be taken seriously by ABM and shall be governed by this Policy.

This Policy extends to all employees of ABM and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

The policy may be amended from time to time, based on changes in ABM’ internal policies, or changes to the Act, or its rules, or applicable law. As such, a hard copy of this Policy may not reflect the most recent status.

2. DEFINITION

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

- physical contact and advances; or
- a demand or request for sexual favors; or
- making sexually colored remarks; or
- showing pornography; or
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment

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- i. Implied or explicit promise of preferential treatment in their employment; or
- ii. Implied or explicit threat of detrimental treatment in their employment; or
- iii. Implied or explicit threat about their present or future employment status; or
- iv. Interferes with their work or creating an intimidating or offensive or hostile work environment for them; or

Humiliating treatment likely to affect their health or safety.

For a further explanation of what kinds of acts constitute sexual harassment, please read:

Any behavior (physical, verbal, written, graphic, electronic, emotional, psychological or through gestures that offend) which has been defined as inappropriate by the Policy, whether intentional or not, which offends the dignity of the person towards whom the behavior is directed by fellow employee(s), supervisor(s), customer(s) or supplier(s) will be considered as sexual harassment and shall invite serious disciplinary action.

Sexual harassment would mean and include (whether direct or by implication) any of the following:

- I. unwelcome sexual advances, requests or demand for sexual favors, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any ABM activity;
- II. advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, indecent exposure, physical contact, sounds, display of pictures, intrusive questions about a person's private life or body, signs, insults or taunts based on sex, obscene communication, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
- III. eve teasing, innuendos and taunts, unwelcome invitations to go out, suggestive comments or jokes, physical confinement against one's will and likely to intrude upon one's privacy;

- IV. act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
- V. conduct of such an act at workplace or outside in relation to an employee of ABM, or vice versa during the course of employment;
- VI. Any unwelcome gesture by an employee having sexual overtones;
- VII. physical contact and advances;
- VIII. a demand or request for sexual favors;
- IX. Staring, leering or unwelcome touching;
- X. Suggestive comments or jokes;
- XI. Sexually colored remarks;
- XII. Showing pornography;
- XIII. Any unwelcome sexual activity tied to employment decision or benefits; and
- XIV. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

- “Employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor with or, without knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether 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.
- “Internal Committee (IC)” means the committee constituted by ABM to investigate complaints of sexual harassment, in the manner prescribed under the law.
- “Respondent” means a person against whom a complaint of sexual harassment as set out in this policy has been made.
- “Workplace” includes any place visited by the Employee (as defined above) arising out of or during the course of the employment including transportation provided by ABM for undertaking such journey.

- “Aggrieved woman” means, 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 by the respondent.

3. APPLICABILITY

- This policy is applicable to all, including full-time employees, workers, volunteers, probationers and trainees including those on deputation, part-time employees, contract workers, consultants or otherwise (whether in the office premises or outside while on assignment).
- All customers, suppliers and contractors of ABM.
- All third parties associated with ABM at work or involved in work related activities.
- The complainant as well as the respondent may be a man or a woman
- The complainant needn't be of the opposite sex
- The respondent can be anyone including the complainant's supervisor/ an agent/contractor/customer/client /3rd (third) party associated with ABM /or any other employee of ABM.
- The complainant does not have to be the person harassed but could be anyone affected by the offensive conduct.
- It may occur without economic injury to the complainant.
- It may occur at work place or any other place where the employee is engaged in work related activities.
- It may occur with ABM employees deputed to client sites.

4. CONSTITUTION OF COMPLAINTS COMMITTEE

Complaints of sexual harassment made by female employees shall be dealt with by the Internal Complaints Committee (“ICC”)

- Annexure 1 of the Policy provides for constituent members of the ICC.

- The ICC should comprise of a Chairperson (compulsorily woman), and not less than half of its members should be women.
- External member as mandated by law

Complaints of sexual harassment made by male employees shall be dealt with by the Complaints Committee (“CC”)

- CC shall be constituted within 3 (three) days of making of complaint by a male member.

CC shall be formulated by members of the committee which takes the management, control and board decisions of ABM (“**Executive Committee**”).

5. REDRESSAL PROCEDURE AND MECHANISM

- For redressal of complaints made by a female complainant of ABM:

Complainant may submit a complaint in writing and inform any committee member.

- I. Complaints must be made by the complainant to any of the Committee Member of the ICC if constituted or to LCC or to the email id complaints@abmindia.com within 3 (three) months from the date of the incident.
- II. The ICC may by reasons to be recorded in writing, extend the time period for making a complaint to a further period of 3 (three) months;
- III. The IC will record the complaint received by it and keep the contents confidential as under the Act.
- IV. The Complainant can also submit any corroborative material with documentary proof, if applicable, and/or a list of witnesses to the incident(s) to substantiate the complaint. The IC will provide assistance to the complainant in formulating the written complaint, if required.
- V. vi. As per the mandated process, the IC will forward a copy of the original complaint to the respondent and provide an appropriate time (not exceeding 10 working days) for responding in writing to the allegations.
- VI. vii. The respondent may, if he / she choose, attach documentary evidence and a list of witnesses to the incident(s), if applicable in his / her response.
- VII. viii. The IC shall conduct a free and fair enquiry into the complaint following the principles of natural justice; and shall conclude its investigations within 90 days.
- VIII. ix. All the complaints made by a female member to the ICC Committee will be forwarded to the Management
- IX. x. The complaint can be made by the female complainant or any other person on behalf

of the complainant (as set out in the following manner):

- a. In case of physical incapacity of the aggrieved woman, the complaint may be made by her relative, friend, co-worker or an officer of National Commission for Women or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved women/complainant.
 - b. In case of mental incapacity of the aggrieved woman, a complaint may be made be filed by the relative/friend, special educator, psychologist, guardian or authority under whose care she is receiving treatment or care or any person who has knowledge of the incident jointly with the
- xi. Complaints can be made in person/via phone/email/letter, to the Chairperson or any of the committee members. Any oral communication should be followed up with a written communication.
 - xii. If the employee is working outside the ABM office i.e. in client place, she may also lodge a complaint with the committee members and she will report that to the committee member.
 - xiii. If the complaint has been made to the superior, she must immediately communicate the details to the committee members and also apprise the committee of any action taken, failing which the superior will be liable for penalty action.
 - xiv. In case it is found that any employee has lodged a false complaint, after the enquiry, the ICC shall recommend to the District officer or ABM to take actions.
 - xv. Every employee who threatens or intimidates any person who has made complaint under this policy or any witness thereof shall be liable for disciplinary actions as per the rules of the ABM.
 - For sexual harassment complaints made by male members:
 - i. The male member must make a complaint to the Executive Committee in or by email to tocomplaints@abmindia.com within 3 (three) months from the date of the incident of sexual harassment.
 - ii. The Executive Committee shall form the CC within 3 (three) working days of reporting of the incident of sexual harassment.

iii. Due procedure of redressal will be followed uniformly irrespective of the position held by the person in ABM.

6. CONCILIATION AND INFORMAL COMPLAINT REDRESSALPROCEDURE

For female members:

- The ICC shall meet within 2 (two) days of filing of the complaint, to examine the complaint made by the female member.
- At the start of initiating the inquiry, and at the request of the complainant, ICC shall settle the matter between the complainant and the respondent/accused through conciliation.
- The Complainant may ask for conciliation proceedings which may include a facilitated discussion with the Respondent. A settlement may be arrived at in such a case, and could include a formal apology as well as behavioral modification from the Complainant. No monetary compensation is permitted as a result of this conciliation process.
- The ICC shall, in case of settlement, record and forward the same to the Executive Committee.
- The Executive Committee shall implement such recommendation and send a report of such recommendation within 15 (fifteen) days to the ICC.
- Copies of such settlement shall be provided to the complainant and the respondent.
- On conciliatory settlement being attained, no further inquiry shall be conducted by the ICC.
- If no conciliation is sought, or is deemed unsuitable, or is violated, the IC shall formally investigate the case and interview the complainant, respondent and all relevant witnesses, if any, as part of its enquiry process. It shall complete the inquiry into the complaint within 90 days including all confidential interviews and examination of evidence. Within 10 days of completion of the inquiry, the IC will submit its findings and recommendations to the Management Committee.
- In case the complaint does not fall under the purview of Sexual Harassment it shall be concluded after recording the reasons thereof.
- In case the complaint is found to be false, the Complainant shall, if the complaint is found to be with malicious intent as per the inquiry in accordance with the procedure prescribed, be liable for appropriate disciplinary action by the Management Committee on the recommendation of the IC.

- The Management Committee will direct appropriate action in accordance with the recommendations proposed by the Committee. Appropriate disciplinary action can include monetary compensation to the complainant, verbal or written reprimands, counseling, withholding of promotions or other benefits, or termination of employment.

For male members:

- The CC shall meet within 2 (two) days of filing of the complaint to examine the complaint made by the male member.
- At the start of initiating the inquiry, and at the request of the complainant, CC shall settle the matter between the complainant and the respondent/accused through conciliation.
- Such conciliation should in no case include any monetary settlement.
- The CC shall, in case of settlement, record and forward the same to the Executive Committee to take action as specified in the recommendation.
- A copy of the settlement shall also be provided to the complainant and the respondent.

7. RELIEF TO COMPLAINANT DURING PENDENCY OF INQUIRY:

During the pendency of inquiry of the female complainant, and upon request being made by the complainant, the ICC to proceed with any of the following:

- Transfer complainant to any other ABM location;
- Grant leave to the complainant for a period of 3 (three) months, which shall be over and above the official leave.
- Restraining respondent/accused from reporting on the work performance of the aggrieved woman/complainant or writing her confidential report, and assigning the same to another officer.
- Restrain respondent/accused from supervising any academic activity of the complainant

(in case of any educational training)

The Executive Committee shall decide upon the same within 7 (seven) days of recommendation being received from the ICC.

During the pendency of inquiry of the male complainant:

- The CC may make its recommendations regarding interim reliefs to the Executive Committee.
- The Executive Committee shall make final decision on these recommendations and convey the same to CC, complainant and the respondent.

8. FORMAL COMPLAINT REDRESSAL PROCEDURE AND MANNER OF INQUIRY:

For female employees:

- Where a complaint is received by the ICC and the aggrieved woman/complainant opts for a formal recourse, the ICC members shall within 2 (two) working days of receiving the complaint, interview both the parties and record findings of the incident (in case no settlement has been reached between the complainant and the respondent).
- While conducting the inquiry, a minimum of 3 (three) members of the ICC including the Chairperson and External member shall be present.
- ICC members shall discuss the complaint and the report shall be submitted to the Chairperson for her to scrutinize the findings in support of complainant's contentions.
- The ICC shall give an opportunity of being heard and of making representations before the ICC to the respondent.
- Copy of findings shall be made available to both the employees (complainant and respondent), enabling them to make representations against the findings to the Executive Committee.

- The ICC shall make inquiry into the complaint in accordance with principles of natural justice.
- Committee to document all investigations and findings in writing.
- The ICC shall have the same powers as that of a Civil Court as per the provisions of the Civil Procedure Code, 1908, including the following:
 - i. Summon and enforce the attendance of any person and examining him / her on oath
 - ii. Require discovery and production of documents; and
 - iii. Any other matter which may be prescribed
- At the time of filing the complaint, the complainant shall submit 6 (six) copies of complaints along with supporting documents and addresses of witnesses.
- ICC shall send copy of the complaint received from aggrieved woman to the respondent within 7 (seven) days of receiving such complaint
- The respondent shall file a reply to the complaint and supporting documents within 10 (ten) days of receiving the documents.
- The ICC may terminate the inquiry proceedings, if the complainant or the respondent fails to present herself/himself before the chairperson of the ICC for 3 (three) consecutive hearings.

Provided, a 15 (fifteen) days' notice shall be given for such termination/cancellation. For sexual harassment complaints by male members:

- In case no settlement is arrived at, the CC may summon and enforce the attendance of any person and examining him / her and require discovery and production of documents

- The CC shall give an opportunity to complainant and respondent of being heard and make representations before the CC
- The CC shall prepare its report and submit it to the Executive Committee within 90 (ninety)days
- The Inquiry will be conducted confidentially as per the provisions of the Act, and upon the aggrieved woman's request, shall grant her relief during the pendency of the inquiry including but not limited to leave with full pay.

9. INQUIRY REPORT

- The ICC shall provide a report of its findings to the Executive Committee within 10 (ten) days from date of completion of the inquiry.
- Where the ICC finds that no action is required to be taken, then it shall communicate the same to the Executive Committee.
- Where the ICC concludes that the allegation made by the complainant is true, it shall recommend to the Executive Committee:
 1. To take action for sexual harassment as per the service rules or
 2. To deduct from the salary of the employee as it may consider appropriate to be paid to the aggrieved woman.
- Executive Committee shall act within 60 (sixty) days of receipt of recommendation from the ICC.

10. DISCIPLINARY ACTIONS AND COMPENSATION:

For sexual harassment complaints made by a female member

- Where the ICC arrives at a conclusion that the allegations against the respondent have not been proved it shall recommend to the Executive Committee that no action is required to be taken against the respondent.
- The nature and severity of the action against the accused will be in direct proportion to the seriousness of the offence. The ICC, in case if it finds the allegations against the respondent to be true, shall recommend to the Executive Committee to take actions against the respondent for the misconduct as it deems fit.
- To deduct from the salary / wages of the respondent such compensation as determined by it to be paid to the female member / complainant or her legal heir or direct the respondent to pay the amount.
- The compensation shall be determined by the ICC keeping in mind the following:
 - a. Mental trauma, pain, suffering and emotional distress caused to the female member
 - b. Loss to career opportunity due to the incident of sexual harassment
 - c. Medical expenses incurred by the female member for physical or psychiatric treatment
 - d. Income and financial status of the respondent
 - e. Feasibility of such payment in lump sum or in installments
- Such disciplinary action shall include, but not be limited to the following:
 - a. A letter of warning that will be placed in the personal file

- b. Written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increments, undergoing counseling session, carrying out community services
 - c. Immediate transfer/suspension with or without pay
 - d. Dismissal/termination from the services of ABM (wherein the respondent shall not be paid any compensation for the notice period) or
 - e. Any other action that the Executive Committee may deem fit
- The Executive Committee shall act upon the recommendations made by the ICC within 60 (sixty) days of receipt
 - In case the Executive Committee is unable to make such deduction from the respondent's salary / wages due to his being absent from duty or cessation of employment it may direct the respondent to pay such compensation to the female member
 - In case the respondent fails to make the payment as directed by the Executive Committee then the ICC may forward the order for recovery of sum as an arrear of land revenue to the concerned district officer
 - For complaints, which the ICC considers to fall outside its jurisdiction, for e.g. offences of a criminal nature, the applicable laws of India shall apply.

For sexual harassment complaints made by a male member

- Where the CC arrives at a conclusion that the allegations against the respondent have not been proved it shall recommend to the Executive Committee that no action is required to be taken against the respondent.
- In case the CC comes to a finding that the allegation was false or malicious or the

complainant has produced forged documents as evidence it shall conduct an inquiry against the complainant / witness and may recommend to the Executive Committee the action to be taken against the complainant /witness.

- The Executive Committee shall take a final decision on the recommendation made by the CC and shall implement it within 15 (fifteen) working days
- In case the CC comes to a finding that the allegation against the respondent has been proved, it shall send its recommendation to the Executive Committee.
- Appropriate action against the Respondent for such misconduct would include reprimand, written apology and / or termination of services without notice. The respondent will not be entitled to any compensation for the notice period.
- The Executive Committee shall take a final decision on the recommendation and implement it within 30 (thirty) days of receipt of the recommendation from CC

11. RETALIATION

This policy recognizes retribution or retaliation in the context of reporting acts of sexual harassment as a serious violation. The report and investigation of allegations of retaliation will follow the procedures set forth in this Policy and will be treated as an additional complaint and investigated similarly. Any person found to have retaliated against an individual for reporting harassment, or for participating in an investigation of allegations of such conduct, may expect the Company to impose severe disciplinary action.

12. MANNER OF TAKING ACTION AGAINST THE COMPLAINANT

If the ICC or CC (as the case may be) believes that the complainant has knowingly made a false/malicious complaint, then it may recommend to the Executive Committee to take action against the complainant.

13. APPEAL

- If either party is dissatisfied with the recommendations of the IC, they may submit a formal appeal to the ABM board of directors with relevant rationale and supporting evidence, if any, within 7 days of the recommendations being formalized

- Decision of the CC and the Executive Committee shall be final and binding for the male member and shall not be appealable.

14. CONFIDENTIALITY

- Individuals involved in the complaints process/system should refrain from divulging the details of complaint/any information gathered by them in the course of the inquiry and the identities of the persons involved in the case should not be disclosed. Any breach of confidentiality will be taken seriously and the implications of which shall be disciplinary actions as per the rules of the ABM.
- Involved parties breaching the confidentiality provisions shall, in addition to the above be liable to penalty. ABM shall recover a sum of INR 5,000 (Indian Rupees Five thousand) as penalty from such person.

15. TRAINING AND WORKSHOPS

- Members of the ICC and CC shall compulsorily undergo the training program formulated against sexual harassment at workplace.
- The training program and workshops conducted shall include, but not be limited to the following layout:
 - i. Understanding the paradigms of the Act and scope of definition of sexual harassment
 - ii. Gender sensitization
 - iii. Examples and case studies
 - iv. Procedural intricacies
 - v. Orientation programs and seminars
 - vi. Capacity building and skills building
 - vii. Declare names and contact details of all members of ICC
 - viii. Complaint mechanism
 - ix. ICC/CC

- Manner to organize workshops:
 - i. Formulate and widely disseminate an internal policy;
 - ii. Carry out orientation programmes;
 - iii. Carry out employees awareness programmes;
 - iv. Conduct capacity building;
 - v. Declare names and details of members of the ICC;
 - vi. Use modules developed by the State Governments to conduct workshops

16. DUTIES OF THE EMPLOYER

- Provide a safe place for their employees and team members and foster a
- Discrimination-free environment.
- Communicate and provide support in understanding this policy.
- Handle any complaint that they receive with tact and maturity and take prompt action and communicate such issues to the appropriate person/s.
- Refrain from playing favorites, colluding, campaigning, gossiping or attempting to induce or pressure or otherwise interfere with such complaints or employees to influence an outcome.
- To provide safe working environment to the all persons at the workplace;
- Display at any place in the workplace, penal consequences of sexual harassment;
- Organize workshops and training programs at regular levels;
- Provide necessary facilities to ICC and CC for dealing with complaints and conducting inquiries;
- Assist in securing attendance of respondents and witnesses before the ICC orCC;
- Provide assistance to a woman if she chooses to file a complaint under the Indian Penal Code or any other applicable law;
- Monitor timely submission of reports by the ICC;
- And any other assistance required by the ICC, CC or LCC for conducting inquiries into complaints made against sexual harassment.

17. PREPARATION OF REPORT

- The ICC shall prepare an annual report and submit the same to the district officer (a summary of which shall be submitted to the State Government) which should inculcate the following details:

- i. Number of cases of sexual harassment received in a year;
- ii. Number of complaints disposed off in a year;
- iii. Number of cases pending for more than 90 (ninety) days;
- iv. Number of workshops of awareness programs carried out against sexual harassment;
and
- v. Nature of action being taken by the Executive Committee or the employer

ANNEXURE 1

Constituent members of the ICC:

Sr. No	Position	Name	Email ID
1	Chairperson	Amruta Bargal	amruta.bargal@abmindia.com
2	Member	Kalpesh Shah	kalpesh.shah@abmindia.com
3	Member	Sanjeev Sonavane	sanjeev.sonavane@abmindia.com
4	Member	Manashi Banerjee	manashi.banerjee@abmindia.com
5	External Member (Advocate)	Priti Gadda	simruthyog@yahoo.co.in

*****END*****
