



VLCC HEALTH CARE LIMITED

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POLICY AGAINST SEXUAL HARASSMENT AT WORKPLACE (POSH)

VLCC HEALTH CARE LIMITED

VERSION

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1.0	12.06.2018	Policy against Sexual Harassment at Workplace
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1 OBJECTIVE

VLCC Health Care Limited is committed to create and maintain a safe and secure work environment for its employees and ensures every employee is treated with dignity and respect and afforded equitable treatment and which is conducive to the professional growth of its employees and encourages equality of opportunity.

VLCC aims to provide such working environment to its employees, where employees of the company can work and pursue business together in an atmosphere, free of harassment, exploitation and intimidation caused by acts of Sexual Harassment at workplace.

The Company aims zero tolerance of any form of sexual harassment, and is committed to take all possible and necessary steps to ensure that its employees are not victimized to any form of harassment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- **Quid pro quo** – This occurs when a manager or supervisor makes unwelcome sexual advances toward an employee and either states or implies that the employee must submit in order to keep his/her job or to receive a raise, promotion, or job assignment. This can only occur when the harasser has authority over the employee. It is sufficient to show a threat of economic loss to prove quid pro quo sexual harassment.
- **Hostile Environment Harassment** - This occurs when unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment even though the harassment may not result in tangible or economic job consequences, that is, the person may not lose pay or a promotion.

2 SCOPE

- ✓ VLCC encourages and motivates every employee, who believes they are sexually harassed, to use the redressal mechanism as provided in this policy. The Company will not tolerate any incidence of sexual harassment in the company or if engaged in by any of its Vendor, suppliers or any other business associates at any of the work place.
- ✓ This Policy extends to all employees of the Company and includes vendors/ retainers/ outsourced employees/ consultants/ visitors and is deemed to be incorporated in the service conditions of all employees without exceptions what so ever and comes into effect immediately.

3. DEFINITIONS

- ✓ **“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;

- ✓ **“The Workplace”** shall mean:
 - Corporate office, registered office, factory premises, warehouses, all branch offices or any other premises where the Company’s business is conducted.
 - Any place, owned or not owned by the company, where any activity is carried for discharge of any of the obligation during the course of employment or pursuant to employment with the company, even such activities are carried beyond office hours.
 - Any external location visited by the employee during the course of employment such as business location of business partners, guest houses, hotels etc.
 - Any social, business or other functions, formal or casual, where the act, conduct or comments may have an adverse impact on the workplace or workplace relation
 - Any other location including but not limited to private residences of the employees, their friends, relatives
 - In any mode of transport provided by the Employer for undertaking any journey during the course of employment.

- ✓ **“Sexual Harassment”** means any unwelcomed sexually determined behavior (direct or implied) such as
 - Physical contact and advances: or
 - Unwelcome communication invitation: or
 - Demand or request for sexual favour,
 - Making sexually coloured or sexually cultured remarks: or
 - eve teasing, innuendos and taunts, physical confinement against one’s will
 - Showing pornography stalking, sounds or display of a nature with sexual overtures: or
 - sex-oriented obnoxious comments or utterances, remarks or jokes, letters, phone calls, SMS or emails, gestures verbal abuse :or
 - Any other unwelcomed behavior of sexual nature, whether verbal, non-verbal, physical or otherwise : or
 - demand or request for sexual favors in return for with a promise of work related favors such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition implied or explicit promise of preferential treatment in her employment: or
 - implied or explicit threat of detrimental treatment in her present or future employment; or
 - interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - Humiliating treatment with sexual connotations likely to affect her health or safety.
 - any conduct that has the purpose or the effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions

- Sexual harassment will be judged by the impact of the act of the Respondent on the Complainant, and not his intent behind such act.

- ✓ **Complainant:** The person reporting an incident of Sexual Harassment.

- ✓ **Victim:** The person subjected to Sexual Harassment.
 - The victim as well as the harasser can be a woman or a man. The victim does not have to be of the opposite sex.
 - The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- ✓ **Alleged Harasser:** The person who is alleged/reported to have committed an act of Sexual Harassment.
 - The harasser can be the victim’s supervisor, a supervisor in another area, a co-worker, or a non-employee.
 - The harasser’s conduct must be unwelcomed and/or offensive and does not relate to occasional compliments of socially acceptable nature.

4 INTERNAL COMPLAINTS COMMITTEE (ICC) / COMPLAINT REDRESSAL COMMITTEE (CRC)

An appropriate complaint mechanism in the form of “**Internal Complaints Committee / Complaint Redressal Committee**” has been created in the Company for time-bound redressal of the complaint made by the victim. The Company has constituted centralized redressal committee with a representation across all Pan India locations, to specifically address any complaints of sexual harassment.

Constitution of Committee: The Company has constituted an Internal Complaints Committee for redressal of sexual harassment complaints (made by the victim) and for ensuring time bound treatment of such complaints. Initially, and till further notice, the ICC will comprise of the following members out of which at least 3 members will be women:

S. No.	Name	Designation	e-mail id	Contact Number
1	Ms. Nidhi Kapoor (Presiding Officer)	Manager – Customer Care	nidhi.kapoor@vlccwellness.com	
2	Ms. Monica Dhawan (From NGO - India Vision Foundation)	Director	ivfindia@gmail.com	
3	Ms. Anju Sharma (Member)	Vice President	anju.sharma@vlccwellness.com	
4	Mr. Ameet Kkaytal (Member)	Chief Business Officer	Ameet.kkaytal@vlccwellness.com	
5	Mr. Jaibir Singh Sethi (Member)	Legal resource		

The Management (Chairman/MD) of the company may change the committee members from time to time, and can also nominate the names of other members for a particular enquiry, in case any of the members is interested, biased, victim or non-available for attending the enquiry, in that particular case.

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson (who will be woman), and at least two members of the minimum quorum shall be woman.

The Management reserves the right to reconstitute the ICC by nominating, from time to time, in the event of leaving the job and/or in case any of the member(s) found to be directly or indirectly interested in any particular enquiry brought before ICC.

Responsibilities of Internal Complaints Committee: The Internal Complaints Committee shall be responsible for:

- Investigating every formal written complaint of sexual harassment by any of the employee of the company
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Discouraging and preventing employment-related sexual harassment

5 RESPONSIBILITIES OF EMPLOYEES REGARDING SEXUAL HARASSMENT

- All employees of the Company shall have a personal responsibility to ensure that their behavior is not contrary to this Policy.
- All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6 COMPLAINT REDRESSAL MECHANISM

Whether or not a conduct constitutes an offence under the law or a breach of the service rules, an appropriate complaint mechanism in the form of “Internal Complaints Committee” under the name of “Internal Complaint Committee” has been constituted in the company for the time-bound redressal of any complaint made by the victim.

A. Informal Resolution Options

- i. When an incident of sexual harassment occurs, the victim of such conduct can communicate his/her disapproval and objections immediately to the harasser, and request the harasser to behave decently.
- ii. If victim is not comfortable with addressing the harasser, the victim can bring their concern to the attention of the Internal Complaints Committee for redressal of their grievances.
- iii. The Complaints Committee will thereafter provide advice or extend support as requested and will try to resolve the matter by conciliation of both the parties.
- iv. **NO MONETARY SETTLEMENT SHALL BE THE BASIS OF CONCILIATION**

B. Complaints

An employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to any of the member of Complaints Committee constituted by the Management. The said procedure shall be adopted for making the complaint

Procedure of filing of the Complaint

- ✓ The complaint shall have to be in writing and can be in form of a letter, and should be filed preferably within 30 days from the date of occurrence of the alleged incident. However the said complaint may be made within 3 months from the date of occurrence of the incident, in case there is some genuine and justified reason for not making such complaint within 30 days.
- ✓ No complaint shall be entertained after 90 days in any case, unless there is any extra ordinary circumstances beyond the control of the complainant exist, which has stopped the complainant to file the complaint within time period, however such extended time period shall not exceed 180 days in any circumstances. The determination of whether extraordinary circumstances exist to extend the complaint period, shall be made in consultation with the Legal Team, and the decision of committee for entertaining or refusal of the complainant beyond the 90 days, as above mentioned, shall be final.
- ✓ The complaint may be sent in a sealed envelope through speed post/courier **at VLCC Health Care Limited 64, HSIIDC, Sector-18, Maruti Industrial Area, Gurgaon - 122015, India, Kind Atten: Any of the committee member**. Alternately, the employee can send complaint through an email on any of the email ID of the members of the committee or at POSH@vlccwellness.com
- ✓ The employee is required to disclose their name, department, division and location they are working in, to enable Committee to contact him/her and take the matter forward.
- ✓ 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 their legal heir.

Conducting of Enquiry

- ✓ On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent.
- ✓ Where the complainant and respondent belong to different nationalities, social customs / behavior, care to should be taken to ensure that compliments of a socially acceptable nature or an act of friendliness is not misinterpreted as sexual harassment
 - Check if the complainant or respondent had any malafide intentions and are using the guise of sexual harassment.
 - Possible misinterpretations of any verbal, non-verbal communication as sexual harassment.

- The respondent's continued expression of sexual/social interest after an indication by the complainant that such interest is not desirable.
- ✓ At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant may submit any proof, i.e., pictures letters, emails and gifts etc., to substantiate his/her complaint. If the Complainant does not wish to depose personally before the full Committee, due to any reason, the deposition can happen in front of ICC member who is of the same sex as the complainant and the proceedings recorded and presented to the ICC by the ICC member. The Committee may also ask the complainant to prepare and submit a detailed statement of incidents/allegations.
- ✓ After the Complainant deposes before the ICC, the person against whom complaint is made will be called for a deposition before the Committee and an equal opportunity will be given to him / her to give an explanation. Internal Complaints Committee shall provide a copy of the complaint along with supporting documents of such complaints to the Respondent within 3 working days to submit his reply.
- ✓ Respondent shall file his/her reply within 3 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.
- ✓ Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
- ✓ Internal Complaint Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 2 consecutive hearings, without sufficient cause.
- ✓ The Internal Committee must complete its investigation within a period 30 days, which may be extended depending upon the complexities involved in the matter.
- ✓ The Committee will organize verbal hearings with the complainant and the accused.
- ✓ The parties shall be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
- ✓ The Committee will take testimonies of other relevant persons and review the evidence wherever necessary. The committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- ✓ During the inquiry process, the complainant and the accused would be expected to refrain from any form of threat, intimidation or influencing of witnesses.
- ✓ The committee will conduct inquiry in accordance with the practices of natural justice, i.e. the Complainant will be offered to the accused for cross-examination and vice versa.

- ✓ The committee will be empowered to do all 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.
- ✓ The Committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidence and relevant statements.
- ✓ The statements and other evidence obtained in the inquiry process will be considered confidential.

Decision

- ✓ After preliminary enquiry, if the committee determines that the allegation do not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons and communicate the same to the complainant.
- ✓ If the Internal Complaints Committee determines that the allegations constitute an act of sexual harassment, it will proceed to investigate the allegation in detail.
- ✓ The committee will investigate and prepare an enquiry report with recommendations within 2 weeks.
- ✓ Upon completion of the investigation, both parties will be informed of the results of the investigation.
- ✓ During the investigation, the Committee may give interim recommendations in relation to an accused person or the Respondent, including their suspension, transfer, leave, change of work location etc.
- ✓ The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- ✓ Once the investigation is completed, the Committee shall share the investigation findings thereof with the appropriate functional Head HR within 15 days form completion of investigation and shall submit a details investigation report recommending the action.

Action:

- ✓ If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
- ✓ If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it may recommend to:
 - a. Take action for sexual harassment as a misconduct.

- b. To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
- c. To deduct from salary / wages of the respondent or issue direction for payment;
- d. Such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.

- ✓ Such action will be taken within 15 days of the receipt of report,

7 FALSE ACCUSATIONS:

- ✓ The complaint of sexual harassment, if any, should be made by any employee with utmost seriousness.
- ✓ If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. 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 provide adequate proof would not attract action as provided herein.
- ✓ A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.
- ✓ It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. VLCC recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

8 GUIDELINES FOR THE EMPLOYEES

A. Do's

- ✓ Know Sexual Harassment Policy of the Company
- ✓ Avoid inappropriate behavior, be aware of the consequences of such inappropriate behavior.
- ✓ Say "NO" if asked to go to places, do things or participate in situations that make you uncomfortable.
- ✓ Trust your instincts. Walk away from uncomfortable situations.
- ✓ Say "NO" to offensive behavior as soon as it occurs.
- ✓ Refrain from taking discriminatory actions or decisions which are contrary to the spirit of this policy.
- ✓ Maintain confidentiality regarding any aspect of an inquiry to which they may be party to.

B. Don'ts

- ✓ Sexually suggestive comments or comments on physical attributes.
- ✓ Offensive language that insults or demeans a colleague, using terms of endearment.
- ✓ Singing or humming vulgar songs.
- ✓ Requests for sexual favours, sexual advances, coerced acts of a sexual nature.
- ✓ Requests for dates or repeated pressure for social contact.
- ✓ Discussing sexual activities, sexual prowess or intruding on the privacy of an associates.
- ✓ Sexually colored propositions, insults or threats.
- ✓ Graffiti in the office premises.
- ✓ Offensive gestures, staring, leering or whistling with the intention to discomfort another.
- ✓ Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by associates.
- ✓ Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at one's workplace.
- ✓ Showing or mailing pornographic posters, Internet sites, cartoons, drawings.
- ✓ Suggestive letters, phone calls, SMS, electronic instant messaging or e-mail messages.
- ✓ Physical contact or advances.
- ✓ Intentional touching of the body, e.g. Hugs, kisses, brushing, fondling, pinching etc. that make others uncomfortable.
- ✓ Any displays of affection that make others uncomfortable or are inappropriate at the workplace.

9 CONFIDENTIALITY:

- ✓ The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.
- ✓ No contents of complaint, identity and address of aggrieved woman, respondent, witness and any information relating to conciliation and inquiry **shall not be published in any media, made known to public in any manner. Penalty may be imposed on any person entrusted with the duty of handling the compliant who contravenes the provision.**

10 MISCELLANEOUS

- ✓ The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.
- ✓ 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.

- ✓ Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
- ✓ Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes, he/she shall be liable for action as per the company's disciplinary policy.
- ✓ The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.