

# Policy on Prevention of Sexual Harassment at Workplace

Guidelines for Optiemus Infracom Limited

Introduction	Optiemus Infracom Limited (" <b>OIL</b> " or " <b>Company</b> ") is committed to creating and maintaining a secure work environment where it's Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company's business.
	The objective of this policy is to provide protection against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. This policy is issued with regardOIL operations in India and is subject to the provisions of applicable local legislation. In the event of any inconsistency between contents of this policy and provisions of applicable local legislation, provisions of such local legislation will prevail.
	All concerned should take cognizance of the fact that OIL strongly opposes sexual harassment. This policy is issued pursuant to OIL Code of Business Conduct and Ethics. Pursuant to this Code, OIL prohibits any type of harassing environment, including harassment of a sexual or moral nature. This includes any verbal or physical conduct intended to humiliate, coerce or threaten anybody or to create ahostile work environment. Such behavior of sexual harassment is also prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed there under being The Sexual Harassment of Women at Workplace (hereinafter referred to as "Act") as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.
	At OIL, we have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.
	We at OIL are committed towards giving every employee a just and fair hearing onissues encountered by him or her at the workplace with special attention to sexual harassment. OIL will take disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

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	In line with our principle stated above, the 'Policy on Prevention of Sexual Harassment at workplace: Guidelines for OIL intends to provide protection against sexual harassment at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed there under. Accordingly, while the policy covers all the key aspects of the act, for any further clarification reference shall always be made to the act.	
Responsibility	This Policy comes into effect immediately. The owner of this policy is HR Department. HR Department has the responsibility for ensuring the maintenance, regular review and update of the policy. Any queries on the application or interpretation of this policy must be discussed with HR Department. Further, any complaints received under this policy will be handled by the Internal Complaints Committee, as per the guidelines provided.	
What is 'sexual harassment'	Sexual harassment is judged by the impact on the complainant and not the intent of the respondent. Sexual harassment as addressed in this Policy need not necessarily be from male to a female employee, it can be vice versa as well as between individuals of san gender. "Sexual Harassment" includes any one or more of the following unwelcome acts behavior (whether directly or by implication):	
	<ul> <li>a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely: <ol> <li>Physical contact and advances</li> <li>Demand or request for sexual favors</li> <li>Sexually colored remarks or remarks of a sexual nature about a person's clothing or body</li> <li>Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.</li> <li>Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes</li> <li>Giving gifts or leaving objects that are sexually suggestive</li> <li>Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy</li> <li>Persistent watching, following, contacting of a person.</li> <li>Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.</li> </ol> </li> </ul>	

	ving circumstances if it occurs or is present in relation to any
sexually d	etermined act or behavior amount to sexual harassment :
•	Implied or explicit promise of preferential treatment in
	employment;
•	Implied or explicit threat of detrimental treatment in
	employment
•	Implied or explicit threat about the present or future
	employment status
•	Interference with the person's work or creating an intimidatingor
	offensive or hostile work environment; or Humiliating treatment likely
	to affect her health or safety.
The Policy is with res	pect to Prevention, Prohibition & Redressal of Sexual Harassment which
may arise in places i	not limited to geographical location viz. Company's offices / branches /
outlets but includes	all such places or locations where acts are conducted in context of
<b>5</b>	os or whilst fulfilling professional duties or which may be visited by an
	ne course of employment including transportation provided by the
company for undert	aking such visit.
	against sexual harassment includes sexual harassment by fellow
	sors, managers as well as agents, contractors, customers, vendors,
	rs including outsource employees. Any place visited by the employee
_	ing the course of employment including transportation provided by the
employer for undert	aking such journey.

Definitions (For the purpose of this policy in accordance with the Act)

**Complainant:** In relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, third party and visitors.

**Respondent:** A person against whom a complaint of sexual harassment has been made by the complainant.

**Employee:** A person employed at the workplace, for any work on regular, temporary, adhoc or daily wage 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

**Workplace:** In addition to the place of work i.e. Head office / Branch offices, workshop/worksite, it shall also include any place where the complainant or therespondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with OIL, including transportation provided for undertaking such a journey.

**Employer:** A person responsible for management, supervision and control of the workplace.

**Internal Committee (IC):** This means an internal complaints committee constituted by the Company under Section 4 of the Act to receive, investigate, inquire and report on Sexual Harassment complaints.

**Management:** For the purpose of this Policy management shall mean Board of Directors or committee responsible for formulation and administration of policies

Prevention of Harassment		
Responsibilities of individuals	It is the responsibility of all to respect the rights of others and to never engage inor encourage harassment. It can be done by: - Treating people fairly and with respect - Refusing to participate in any activity which constitutes harassment - Supporting the person to reject unwelcome behavior - Acting as a witness if the person being harassed decides to lodge a complaint Read and Acquaint themselves with the company policy to deal with SexualHarassment the workplace All are encouraged to advise others of behavior that is unwelcome, or behavior that the have witnessed that they think is unacceptable Often, some behaviors are not intentiona While this does not make it acceptable, it does give the person behaving inappropriately the opportunity to modify or stop their offensive behavior.	
Responsibilities of managers	The manager's responsibility is to promote equal treatment for all, to immediately address any behavior that they become aware of and support their employees if they wish to make a complaint. They must also ensure that all employees understand that harassment with not be tolerated; that complaints will be taken seriously; and that the complainant respondent/s, or witnesses are not victimized in any way. Managers are expected to act as counselors in these situations and support as well guide employees towards the formal redressal process. Also managers are expected to maintain utmost confidentiality in such matters.	

## **Redressed Mechanism - Formal Intervention**

If in the complainant's view there has been an incident of sexual harassment which is serious enough to warrant formal intervention, the complainant should lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy (Annexure B). The complaint should be made immediately after the alleged offence is committed, unless the complainant submits sufficient cause for a delay, as described in "Lodging a complaint" section.

Internal Complaint Committee (Henceforth known as 'committee')	<ul> <li>To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaint Committee" shall be constituted at each location. The details of the committee will be notified to all covered personsat the location (workplace).</li> <li>The committee will comprise of:         <ul> <li>Presiding Officer: A woman employed at a senior level in the organization or workplace.</li> </ul> </li> </ul>
	<ul> <li>At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge.</li> <li>One external member, familiar with the issues relating to sexual harassment</li> <li>At least one half of the total members must be women.</li> </ul>
	<ul> <li>The committee shall be responsible for:</li> <li>Receiving complaints of sexual harassment at the workplace</li> <li>Initiating and conducting inquiry as per the established procedure</li> <li>Submitting findings and recommendations of inquiries</li> <li>Coordinating with the employer in implementing appropriate action</li> <li>Maintaining strict confidentiality throughout the process as per established guidelines</li> <li>Submitting annual reports in the prescribed format</li> </ul>
	Current nominated members of the committees are given in Annexure A.
	The tenure of members of the Internal Complaints Committee shall be for three years.
	POWERS OF THE COMMITTEE:
	(i) The Committee shall have the power to summon witnesses and call for documents or any information from any employee.
	(ii) If the Committee has reason to believe that an employee is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
	(iii) Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
	(iv) Upon production of documents / information called for by it, the Committee shall have the power to;
	<ul> <li>a. make copies of such documents / information or extracts there from; or</li> <li>b. Retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.</li> </ul>

(v)	The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
(vi)	The Committee shall have the power to recommend the action to be taken against any person found guilty of
	a. sexually harassing the complainant;
	<ul> <li>retaliating against / victimizing the complainant or any other person before it; and</li> </ul>
	c. making false and frivolous charges of sexual harassment against the respondent.

Complaint document members	lainant should submit a detailed written complaint along with any cary evidence available or names of witnesses, to any of the committee at the workplace or complaint may also be forwarded to a dedicated <u>CC.Committee@optiemus.com</u>
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	The complaint must be lodged as soon as possible after the incident or within <b>3 months</b> from the date of incident/ last incident. The Committee can extend the timeline by <b>another 3 months</b> for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.
	If the complainant is unable to lodge the complaint owing to physical or mental incapacity, the following may do so on her behalf, with her/his written consent.
	<ul> <li>Legal heir, relative or friend</li> <li>Co-worker</li> </ul>
	- Any person having the knowledge of the incident
	If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.
	Wherever possible it is desirable that complaints of harassment be dealt with speedily, discreetly and as close as possible to the point of origin. Restricting the number of participants involved in handling the complaint, strict confidentiality, sensitivity and calmness can often satisfactorily resolve most of the minor incidents.
Receiving a Complaint (guidelines)	Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it will require exercising tact and discretion while receiving the complaint.
	<ul> <li>The following points must be kept in mind by the receiver of the complaint:</li> <li>Complaint should be listened to and the complainant should be informed that the Company takes the concerns seriously. Complainant should be informed that these concerns will be reported to the appropriate committee and follow up will be done speedily</li> </ul>
	- Situation should not be pre-judged. Written notes should be taken while listening to the person. When taking accurate notes, complainants own words, as far as possible, should be used. Clear description of the incident in simple and direct terms should be prepared and details should be confirmed with the complainant.
	- The details of a complaint must be kept strictly confidential with only those necessary informed of the complaint. All notes and correspondence should be kept strictly confidential in a safe place. Complainant's agreement should be taken to allow proceeding with the matter, which may involve a formal investigation.

	<ul> <li>The complainant must be advised that although the process is confidential, the respondent will have to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.</li> <li>Care must be taken to prevent any disadvantage to or victimization of either the complainant or the respondent.</li> </ul>
Resolution procedure through conciliation	Once the complaint is received, before initiating the inquiry the committee, if complainant requests, committee may take steps to resolve the matter between the complainant and the respondent, provided monetary settlement is not the basis of conciliation. It should be understood by all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues could be resolved or misunderstandings cleared. In case a settlement is arrived at, the committee shall record it & report the same to the employer for taking appropriate action. Resolution through conciliation should happen within <b>2 weeks</b> of receipt of complaint. The committee shall provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry will be conducted.
Resolution procedure through formal inquiry	<ul> <li>Conducting Inquiry</li> <li>The committee can initiate inquiry in the following cases: <ul> <li>No conciliation is requested by aggrieved person.</li> <li>Conciliation has not resulted in any settlement.</li> <li>Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.</li> </ul> </li> <li>The Committee shall proceed to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.</li> <li>Manner of inquiry into complaint: <ul> <li>Complainant should submit the complaint along with supporting documents and the names of the witnesses if any.</li> <li>Upon receipt of the complaint, the committee should send 1 copy of the</li> </ul> </li> </ul>

complaint to respondent within 7 working days.

- Respondent should reply with all supporting documents within 10 working days of receiving the copy of the complaint.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- In conducting the inquiry, a minimum of three committee membersincluding the Presiding Officer shall be present.

### Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace.
- Grant leave to the complainant of maximum 3 months, in addition to the leave she/he would be otherwise entitled.
- Permission to work from home, if possible.
- Prevent the respondent from assessing complainant's work performance.
- Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

## **Termination of Inquiry**

Committee can terminate inquiry or give ex-parte decision, if

- Complainant or respondent respectively is absent for 3 consecutive hearings, without reason.
- 15 days' written notice to be given to the party, before termination or exparte order.

#### Inquiry procedure

All proceedings of the inquiry should be documented. The Committee shall interview the respondent separately and impartially. Committee should state exactly what the allegation is and who has made the allegation. The respondent should be given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings should be prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent should be interviewed & statements should be taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee should facilitate the same and record the statements.

Any such inquiry shall be completed, including the submission of the Inquiry

	Report, within <b>90 days</b> from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.
	<b>Considerations while preparing inquiry report</b> While preparing the findings/recommendations, following should be considered:
	<ul> <li>Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature.</li> <li>Whether the allegations or events follow logically and reasonably from the evidence.</li> <li>Credibility of complainant, respondent, witnesses and evidence.</li> <li>Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent.</li> <li>Both parties have been given an opportunity of being heard.</li> <li>A copy of the proceedings was made available to both parties enabling them to make representation against the findings.</li> </ul> A copy of the final findings will be shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee
Action to be taken after inquiry	Post the inquiry the committee will submit its report containing the findings and recommendations to the employer, within <b>10 days</b> of completion of the inquiry.
	The findings and recommendations should be reached from the facts established and must be recorded accurately.
	The inquiry report shall be presented to the employer who shall implement the actions. If the situation so requires, or upon request of the complainant, respondent or witness, Management may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.
	Complaint unsubstantiated
	Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in this matter.
	Further, the committee should ensure both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

	Complaint substantiated
	<ul> <li>Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take necessary action for sexual harassment as a misconduct, in accordance with the applicable service rules and policies, and this may include: <ul> <li>i. Counseling</li> <li>ii. Censure or reprimand</li> <li>iii. Apology to be tendered by respondent</li> <li>iv. Written warning</li> <li>v. Withholding promotion and/or increments</li> <li>vi. Suspension</li> <li>vii. Termination</li> </ul> </li> </ul>
	The employer shall act upon the recommendations within <b>60 days</b> and confirm to the committee.
	Post implementation of the actions, follow up with the complainant must occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up should be undertaken by the complainant's Line Manager supported by HR.
	Where the committee arrives at the conclusion that the allegation against the respondent is malicious or person making the complaint has made the complaint knowing it to be false or person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the person making the complaint.
Malicious Allegations	The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.
	<ul> <li>While deciding malicious intent, the committee should consider that:</li> <li>Mere inability to substantiate a complaint need not mean malicious intent.</li> <li>Malicious intent must be clearly established through a separate inquiry.</li> </ul>
Confidentiality	The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer will be considered as confidential materials, and not published or made known to public or media.
	Any person contravening the confidentiality clauses will be subject to disciplinary action as prescribed in the act.

Appeal	Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made by the Committee, may appeal to the Court or Tribunal in accordance with the act and rules, within <b>90 days</b> of the recommendations being communicated.	
Awareness	The Company shall conduct training sessions, workshop, awareness programs for sensitizing the employees, with the provisions of the Act and on Sexual harassment. It is mandatory that all employees should attend these awareness programs / training sessions. A copy of this policy on prevention of Sexual harassment at the Workplace and the rules framed under this Policy shall be put up on the notice board of the Company and is also available on the Website of the Company along with other HR Policies and Guidelines. For any clarification on this Policy an Employee can approach the HR Department.	
Retaliation & Victimization	<ul> <li>The policy seeks to encourage employees to express freely, responsibly and in an orderly manner opinions and feelings about any problem or complaint of sexual harassment.</li> <li>Retaliation or victimization against any employee who report or provide information about sexual harassment or behavior that might constitute sexual harassment is strictly prohibited.</li> <li>Any act of reprisal, including internal interface, coercion and restraint by an employee or one acting on his/her behalf, violates this policy and will result in appropriate disciplinary action.</li> <li>The Policy envisages appropriate disciplinary action against any employee who indulges himself/herself or abets the activities of sexual harassment or the acts of victimization or retaliation against complainant or employee involved in the process of complaints of sexual harassment in whatsoever manner.</li> <li>Any employee who engages in conduct amounting to be harassment, or who encourages such conduct by others, or who indulges in victimization of or retaliation against the complainant or the complainant's witnesses or the complainant's confidential counselor or any other employee who supported or supports them shall become liable for corrective action including appropriate disciplinary action, which may even include dismissal from service.</li> </ul>	

Annexure A Internal Complaints Committee at Optiemus Infracom Limited						

# Annexure B

## Sexual Harassment Complaint Form

To ensure that all sexual harassment complaints are managed appropriately, effectively and redressed in accordance with the law and organization's policy, all complaints will be recorded using this form. Contents of this for will be treated as highly confidential and shall only be used by the Internal Committee for the purpose of investigations.

Name of Complainant		Department				
Name (s) of individual		Department				
engaging in alleged						
harassment						
Please describe the specif	fic incident of alleged haras	sment. Describe each incid	ent separately, including			
dates, times and locations	s. If you cannot remember	exact dates/times please p	rovide approximations.			
Use additional pages if ne	ecessary.					
Are there others who may have witnessed this alleged harassment? If so, please provide their names						
and contact details.						

Are there others who may have experienced similar alle If so, please provide their names and contact details.	ged harassment by the individual named above?			
Did you tell anyone about your experience after the alle and contact details.	ged incident? If so, please provide their names			
Did you speak to the individual named in this form about the alleged harassment? If yes, what was his/her response?				
Complainant Signature*	Date			
Name	Job Title			
*I hereby declare that information that I have provided have not willfully or deliberately made false allegations/ prohibits any individual from retaliating against me for f	statements. I understand that organization			
Signature of the person receiving complaint				

# Annexure C (To be circulated to all Employees)

Date: 14.03.2023

## **Optiemus Infracom Limited**

### ORDER

**WHEREAS** an Act, {The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (No. 14 of 2013)} to provide protection against sexual harassment of women at workplace and for prevention and redressal of complaints of sexual harassment and matters connected therewith thereto has been enacted by Parliament of India.

**WHEREAS** as per the Chapter II of the said Act, every employer of a workplace shall, by an order in writing has to constitute a committee to be known as the 'Internal Committee'.

**AND WHEREAS** the Internal Committee shall inter-alia consist of a Presiding Officer and not less than two members from amongst employees and one member for non-government organization or any organization committed to this area, provided that at least one-half of the total members so nominated shall be women.

**NOW, THEREFORE** I, <u>Neetesh Gupta</u> in compliance of the provisions given in section – 4 of the Act, order formation of an Internal Complaints Committee having the following members: -

S.No.	Name	Mobile	Email	Designation
1	Ms. Sanjnee Shukla	+91-7011802045	sanjnee.shukla@oel.in	Presiding Officer
2	Mr. Vikas Chandra	+91-9717973030	cs.vikas@optiemus.com	Member
3	Ms. Gunjan Joshi	+91-9899301189	gunjan.joshi@optiemus.com	Member
4	Mr. Vishal Bhasin	+91-8860414177	vishal@csdtindia.com	External Member

**AND THAT** the Presiding Officer and every member of the Committee shall hold office for a period not exceeding three years from the date of this order.

Signature