

## **Policy against Sexual Harassment**

### **Introduction / Purpose:**

At eTrans it is our desire to promote a healthy and congenial working environment irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protect the dignity and respect of every individual. Therefore, we have zero-tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary action. This policy is meant to educate the employees about what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

The policy is made under the overall ambit of the eTrans Code of Conduct and in accordance with the Supreme Court Guidelines on Sexual Harassment at workplace, declared in Vishaka & Others. Vs. State of Rajasthan & Others. (AIR 1997 SC 3011).

### **Etrans has a policy for zero tolerance for:**

1. Sexual Harassment
2. Racial Harassment
3. Harassment based on sex, race, colour, religion, age, national origin, disability or sexual orientation
4. Retaliation against anyone for making a good faith complaint of such harassment or for cooperating in Company's investigation of such complaint.

The policy protects:

1. All eTrans employees. (Regular, part-time, trainees or supplemental)
2. All visitors to eTrans workplace, such as vendors or customers.

The Company will also not tolerate:

1. Sexual harassment, if engaged in by clients or by suppliers or any other business associates.
2. An alleged act of sexual harassment, whether the incident has occurred during or beyond office hours.
3. An alleged act of sexual harassment, whether sexual harassment has taken place within or outside the company premises.

### **Definition:**

Sexual harassment would mean and include any of the following:

1. Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
2. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually

coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;

3. Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;

4. 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;

5. Any unwelcome gesture by an employee having sexual overtones

The definition of sexual harassment shall include any harassment caused to female or male employees. It would also include harassment caused to or by either gender.

The following are some basic definitions for reference:

**Complainant:** The person reporting an incident of Sexual Harassment

**Victim:** The person subjected to Sexual Harassment.

**Alleged Harasser:** The person who is alleged/reported to have committed an act of Sexual Harassment.

### **Statement of Principles**

- The Policy bestows the responsibility and obligation on the Management and also on every employee to contribute in maintaining a non-hostile and a pleasant working environment. All employees should respect the dignity and personality of other employees.
- The policy recognizes the right of complaint of every employee who has suffered sexual harassment. It is in the self-interest of the complainant to make the complaint promptly.
- 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. Retaliation against any employee who report or provide information about sexual harassment or behaviour that might constitute sexual harassment is strictly prohibited. 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. 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 redressal of complaints of sexual harassment in whatsoever manner.
- Any employee who engages in conduct amounting to be harassment, or who encourages such conduct by others, or who indulges in victimisation of or retaliation against the complainant or the complainant's witnesses or the complainant's confidential counsellor or any other employee who supported or supports them shall become liable for corrective action including appropriate disciplinary action, which may even include termination from service.
- The policy recognizes the right of privacy of every individual and will strive to protect the privacy of the individuals involved and ensure that the complainant and the offender are treated fairly.

Information about individual complaints and their disposition is considered confidential and will be shared only on need to know basis.

- The Policy ensures that the career interest of both the parties will not be adversely affected merely on account of the complaint made to the Redressal Committee.
- This Policy however shall not be used to bring frivolous or malicious complaint against any employee. If a complaint is made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action may be taken against the person bringing the complaint.

Complaints Committee:

In accordance with Supreme Court Guidelines, eTrans has formed a Core Complaints Committee (please see Annexure A for constitution and roles and responsibilities) which will manage the process of enquiry and redressal of sexual harassment complaints.

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least two members, one of whom shall be a lady.

Whom to contact in case of an incident of sexual harassment?

-An employee may send a written complaint to the Core Complaints Committee.

-The employee may also email the complaint to:  
.complaints@etranssolutions.com.

-The employee may also contact his/her Team Manager, HR Manager or any other employee. Upon being intimated, the Team Manager or the HR Manager or any other employee shall send an email communication to the Complaints Committee, providing all the necessary details of the Complaint.

-The Victim must be copied on such emails.

-The complaint should include with contact details of the complainant / victim such as name, address, contact number, department etc.

-In both the cases above, the written complaint/email must provide the details of the incident together with the name/s of the alleged harasser/s and the victim/s, as available.

### **What is the process?**

Depending upon the nature of the Complaint, the Core Complaints Committee may direct that an enquiry be conducted by an Investigating Committee constituted by the Core Complaints Committee. The Complaints Committee may not order an enquiry, if examination of witnesses/documents is not necessary to arrive at a conclusion. In either case the Complaints Committee shall provide an opportunity to the victim as well as the alleged harasser to represent their position and provide their explanations.

The victim and the alleged harasser need to go through the Guidelines for the Complaints/Investigation Committee to better understand their rights and the procedure to be adopted by the Complaints/Investigation Committee.

In the event an enquiry is found to be necessary, the following procedure shall be adopted by the Committee:

- An enquiry is initiated through the members of the investigating committee
- Discussions are conducted with the complainant, victim and alleged harasser as required
- Written record of all discussions are to be maintained by the committee
- Inquiry findings are to be submitted to the Core Complaints Committee
- Core Complaints Committee will study findings and present the decision and the recommended action thereon to the Head HR.
- The Head HR will clarify with the complaints committee on the recommendation and will implement the same after informing the Managing Director

The final decision shall be communicated to the victim and the alleged harasser in the both the instances above. Format of the report is provided (Annexure C)

### **Guidelines for the Complaints / Investigation committee**

1. To notify in writing the time and dates of the meetings to be held, to the complainant, victim and the alleged harasser.
2. A copy of the statement of complaint to be given to the alleged harasser with reasonable time to study the same prior to appearing before the committee appointed for this purpose
3. Enquiry to be conducted in a neutral location which provides an environment conducive for both the victim and alleged harasser.
4. Both the parties may be allowed to bring in a colleague for specific advice and support. However, the same shall not be allowed if it causes undue delay or disrupts the committee proceedings
5. Appropriate recordings of each enquiry sitting and observations shall be made by the committee members.
6. During the process of investigation, the Company will ensure no further harassment or victimization happens to either the victim or the alleged harasser and duties are carried out as normal. The Company will also ensure that there is no proximity at work place between the victim and the alleged harasser, during the pendency of the Complaint. Necessary work arrangements, including transfer, if necessary, will be made by the Company for this purpose.
7. The conclusion of the findings and report to be handed over to the chairperson of complaints committee, who will study and communicate the verdict to the Head HR.
8. Conclusion of the findings will also be informed to both the parties concerned.

The above action of receiving, identifying investigation committee, investigations and reporting should be completed within 50 days.

## **Possible Disciplinary Actions arising out of the Recommendations**

1. A letter of warning that will be placed in the personal file of the harasser.
2. Immediate transfer or suspension without pay or both.
3. Fine equivalent to 2-4 months' salary that can be credited to a fund created to be utilized for the welfare of the employees.
4. Stoppage of increment with or without cumulative effect.
5. Reduction in rank.
6. Termination/dismissal from the services of the Company.
7. Any other action that the Disciplinary Authority may deem fit.
8. Filing a Complaint before the relevant police station/Court.