

Prevention of Sexual Harassment of Women at Workplace

*Revision No.:- 2.0
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Newgen Software Technologies Ltd.

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Revision History

Release Date	RevisionNo	Changes Summary	Approved By
01.05.2008	Rev no. 1.0	Establishment of Sexual Harassment Policy	Mr. T.S.Varadarajan (Director)
01.12.2013	Rev no. 2.0	<ol style="list-style-type: none">1. Policy revamped in terms of name, structure, language & other controls.2. 'Objective' and 'Scope' statement revisited.3. Previous version of the policy was only a process or procedure. This release is a policy including incident reporting and redressal process as per the Sexual Harassment Act 2013 and subsequent updates released	Mr. Diwakar Nigam (M.D)

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1. Objective:

Newgen Software Technologies Limited is committed to treat all employees and potential employees equally. Company is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company strives to create an environment where women are being treated with dignity. Sexual harassment at the work place or other than work place involving employees is a grave offence and is, therefore, punishable.

- 1.1 To Providing women protection against sexual harassment at the workplace and for the prevention and redressal of complaints of sexual harassment
- 1.2 To promote productive work and create professional environment in Newgen where each employee is treated with respect and dignity.
- 1.3 Not to tolerate any verbal or physical misconduct of sexual nature, which may harass, disrupt or interfere with ones performance at work or creates any intimidating, offensive or hostile environment in Newgen.
- 1.4 To frame guidelines and regulations for such conduct so as to adhere to the law of the land, as laid by the Supreme Court for redressal of grievances related to sexual harassment.
- 1.5 To respond promptly and objectively to any related complaint so as to eliminate any trace of harassment and impose necessary corrective action including disciplinary as well as legal, wherever appropriate.
- 1.6 To provide an unbiased forum to formally or informally address and redress the complaints of such related nature, while maintaining the confidentiality of the instance, records and identity of the individuals involved as complainant, accused, witness or any other employee linked to the incident raised.

2. Scope:

- 2.1 This policy extends to all the employees of the company and is deemed to be incorporated in the service conditions of all the employees, and comes to the effect immediately. The scope is also extended to visitors, customers as well as vendors coming in contact with Company premises and/or Company Employees.
- 2.2 Sexual Harassment (SH) would mean, and include, but not limited to, the following:
 - a. Unwelcomed sexual advances, requests or demand for sexual favours, either explicitly or implicitly, For example promotion, examination or evaluation of a person towards any company activity;
 - b. Unwelcomed 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, communication which offends the individuals sensibilities and affect her/his performance;
 - c. When any form of sexual assault is committed where a person uses, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will;
 - d. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person;

- e. Conduct of such an act at work place or outside in relation to an Employee of Newgen, or vice versa during the course of employment;
- f. Any unwelcome gesture by an employee to others(including peers)having sexual overtones;
- g. Following circumstances, among others act and/or behavior, may also amount to sexual harassment:
 - a. Implied or explicit promise of preferential treatment in the employment
 - b. Implied or explicit threat of detrimental treatment in the employment
 - c. Implied or explicit threat about her present or future employment status
 - d. Interference with work or creating an intimidating or offensive or hostile work environment
 - e. Humiliating treatment likely to affect her health and safety

2.3 "Employee" means any person on the rolls of the Company including those on deputation, contract, temporary, part time, third party or working as consultants.

3. Abbreviations:

Sr. No	Abbreviation	Description
1.	POSH	Prevention of Sexual Harassment
2.	SH	Sexual Harassment
3.	NGO	Non Government Organization
4.	ICC	Internal Complaints Committee
5.	DAC	Disciplinary Action Committee
6.	Company	Newgen Software Technologies Limited

4. Internal Complaints Committee

4.1 Composition of POSH Cell

The ICC in Newgen shall be centrally managed by POSH Cell based out of Okhla Ph-I office. ICC will be created locally for each geography in India from where Newgen operates, ie Delhi (CO, Ph I and Ph II), Noida SEZ, Mumbai, Chennai and Bangalore (as and when we have women employees joining this location).

4.2 Composition of ICC:

- Presiding Officer must be a Senior Female employee from Organization.
- Members of POSH Cell as well as ICC shall be nominated by the Management
- Person from a third party, either NGO or other body who is familiar with the issue of Sexual harassment.

- b. The Committee shall have at least 3 members out of which at least one half of the total members shall be female employees. A quorum of 50% members is required to be present for the proceedings to take place.
- c. The Committee shall be, wherever feasible, made locally in all locations having 10 or more employees
- d. The members of the Committee shall be appointed by the Management, for an initial term of maximum period of three years, after which a new Committee member shall be appointed. The previous committee members may be reappointed, but not for more than two terms.
- e. All members of the Committee shall be appropriately trained on the subject.
- f. The details of the complaints are confidential and if any member of the Committee, be it the Presiding Officer, discloses any details of the same to the media or press or makes it public in any way, will be liable for immediate disqualification from the Committee. Further, if any member has been convicted or accused of any offence under any law, has been found guilty in any disciplinary proceeding/has a disciplinary proceeding pending against him/her as per any law or has abused his/her position in any manner, he/she shall be removed from the Committee.
- g. For the purposes of making an inquiry, the Committee shall have similar powers as a civil court – it can summon and enforce attendance of any person, examine him/her on oath, order production of documents, etc.4.3 The ICC must make a detailed report for all the written complaints received and findings about the investigation and shall submit the same to the POSH Cell. POSH Cell shall review the case and submit its recommendations to DAC to take corrective actions.

Refer Annexure 2: Format of Report submitted by ICC to DAC post Investigation

Refer Annexure3: Format to capture the Statements from Witnesses, Respondents or Complainants

- 4.4 It is the responsibility of the ICC to submit the annual report at the end of each calendar year to the District Officer (as and when instituted by the State Govt) or to the Ministry of Women & Child Welfare.

5. Mode of Complaints:

5.1 Written Complaint:

- i. All complaints must be made in writing to the POSH Cell, Members of HRD or to any member in the Management. It is the responsibility of the concerned person to whom the complaint is been made, to present the case to the POSH Cell.
- ii. The complaint must be made within a maximum period of three months from the date of incident/last incident in case of repeat or series of such incidents.

5.2 Verbal Complaint:

- iii. It shall be the duty of the Authority or the person before whom the verbal complaint is made, to reproduce the said complaint in writing and read out the complaint to the Complainant in the language understandable by the Complainant and obtain the signature

of the Complainant. The documented complaint shall then be submitted to the POSH Cell so that further actions can be taken.

Note: Complaints later than three months may not be considered by the Committee. However, in certain cases, wherever substantiated by the Complainant, a complaint later than three months shall also be considered by the ICC for investigation. It is to the discretion of the POSH cell to investigate on any anonymous or synonymous complaint received.

6. Complaint Redressal Process

Newgen offers both-Formal as well as Informal approach to resolve any such complaint brought to the light:

6.1.a Informal Approach

- a. The Complainant may also directly confront the Accused. This mode is appropriate where the Complainant instructs the Accused to simply stop behaviour of non-serious nature.
- b. Complainant may report the incident to the Reporting Manager, or the HR Representative and seek for resolution. Appropriate feedback must be given to the respondent and shall be registered in his personal file.

6.1.b Formal Approach

The formal approach is appropriate if the Accused continues to repeat the behavior of sexual nature even after the informal approach has been used, or, in case the misconduct or behavior of sexual nature is considered serious.

- a. The Complainant or Accused may choose to register a formal complaint to the Group Head, Reporting Manager or HR Representative, who in turn shall route the complaint to the POSH Cell.
- b. The complaint should be made to the POSH Cell in written as stated in Annexure II or a complaint mail should be sent to POSHCell@newgen.co.in. The complaint shall then be routed to the geography specific ICC

6.2 The formal process followed by the POSH Cell is laid as below:

- POSH Cell within 24 hours of receiving a complaint shall initiate the process of investigation by routing the complaint to the local ICC
- The Committee will hold a meeting with the Complainant within five working day of the receipt of the complaint, but not later than a week in any case.
- At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any Corroborative material with a documentary proof, verbal or written material, etc., to substantiate his /her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for women employees may be involved and a male officer for male employees may be involved and shall meet and record the statement.
- The complaint will be heard in the first meeting & then the entire outcome of the meeting will be thoroughly discussed by the committee members. Based on the committee discussion further course of action will be executed.

- When the ICC receives a complaint, it must seek to resolve the issue by way of conciliation if the complainant so wishes. However, no monetary settlement can be the basis of the conciliation. If there is a settlement, a report must be sent by Committee, to the employer to take action in accordance with the recommendations of the Committee. If however no conciliation can be met with, the ICC must start an inquiry into the complaint. All conciliations must be registered in the annual reports, and a copy of the same shall be shared with the Complainant and Respondent as well.
- The Respondent is called for a deposition before the Committee and an opportunity will be given to him/ her to give an explanation, where after, an "Enquiry" shall be conducted and concluded. Outcome shall be decided on the basis of the investigation. The Committee shall ask the Complainant for conciliation before the inquiry. In case the conciliation is accepted by the Respondent and is considered fair by the committee, the committee may not proceed for enquiry. However, such cases also have to be reported in the annual report submitted to the Govt.
- Basis the pendency of the enquiry, Committee may decide to transfer the aggrieved women or respondent to any other work location or Grant leaves to the aggrieved women for upto a period of 3 months in addition to her regular statutory/contractual leave entitlement, as an intermin measure.
- In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the DAC, in case it is established through an inquiry that the complaint was made with malicious intent, or knowingly wrong information/ forged documents were submitted by complainant. Mere inability to substantiate a complaint or provide adequate proof need not attract any action against the complainant.
- The Role of the Committee is to investigate the facts and share recommendations with the DAC. Within 10 days of the completion of the inquiry, the Committee shall publish the report with its recommendations to DAC
- DAC shall act on the recommendations at the earliest, and not later than 60 days
- Wherever the defendant is found guilty of the offence as raised by the Complainant, the punishment to the offence is to be decided by the DAC in accordance to the Newgen' Disciplinary Action Policy. The DAC may also decide to deduct salary of the employee engaged in the act of sexual harassment, as appropriate, which can be paid to aggrieve. The action will be finalized by the committee that leads to punishment such as Warning –written or verbal, Suspension – with or without pay; 10% deduction in salary every month or in lumpsum for one year; withdrawal of privileges and perks, reassignment and can also lead to termination of employment.
- The allegation is proved and action for misconduct is taken under service rules of the organization OR if the harassment is grave, the Organization is bound to inform relevant authorities to institute penal action under Indian Penal Code 1860 (provides provisions to crimes related to Sexual Harassment.
- The allegations are not proved due to inability of the complainant to prove facts and in absence of malicious intent; the organization may decide not to take any action. However, an inquiry must be made in order to establish malicious intent.
- The allegations are found to be 'false with malicious intent'; action may be taken against the complainant for misconduct under service rules. A fine of Rs 500 or 5% of salary every month for one year may be applicable.

- Retaliation in any form will be viewed seriously. Any case of retaliation wherein the complainant feels victimized in response to his / her complaint will be investigated as a harassment case and disciplinary action taken appropriately. The Committee holds rights of a Civil Court and may summon an individual or documents related to the case. In case the individual is external to the organization, the Committee may seek support of local police authority to conduct enquiry.
- The enquiry shall be completed within 90 days of the date of receipt of the complaint
- The Management may choose to withhold increments, promotion etc in case the Defendant is found guilty, as a part of the punishment.
- In case the offence is found to be criminal in nature, suitable actions shall be taken in accordance to the Sexual Harassment Act 2013, as provided by the Government of India within 7 days of the act of offence identified.
- All cases received in writing must be addressed and filed in the Company's records and must be submitted to the Ministry of Women & Child Welfare at the end of each financial year
- Summary of the Redressal Process as established by Newgen is laid in Annexure I.

7. Other Responsibilities of the ICC:

- a. To sensitize employees on issues and implications of workplace sexual harassment
- b. Organizing Orientation programs for members of Internal Complaints Committee
- c. Inform all employees of penal consequences of indulging in acts that may constitute sexual harassment
- d. Reporting of harassment to relevant Govt Authorities



(Managing Director)

Annexure I: Complaint Redressal Process

