

## Prevention of Sexual Harassment at Workplace (Prevention, Prohibition and Redressal)

### Security Notice

This document, including the information herein, is confidential and proprietary to Medi Assist Group Companies and is to be used only by and disclosed only to those within the organization on a need-to-know basis. DO NOT COPY OR FORWARD INTERNALLY OR RELEASE OUTSIDE Medi Assist without authorization in writing by the authors or the approvers thereof who responsibility for the information that has been contained herein.

Document Tracking Information			
<b>Document Number</b>	MA_POSH_2.5	<b>Document Version Number</b>	2.5
<b>Approved Date</b>	15 <sup>th</sup> March, 2023	<b>Effective/Release Date</b>	15 <sup>th</sup> March, 2023
<b>Document Owner</b>	Head-People Practice	<b>Author</b>	Head - Legal
<b>Reviewer</b>	Head-People Practice	<b>Approver</b>	CEO
<b>Document Status</b>	Live	<b>Document Type</b>	Policy

Document Access Control			
Role	Delete	Modify	Read
Head People Practice (Document Owner)	Yes	Yes	Yes
Head People Practice (Document Controller)	No	Yes	Yes
MA HR Team (User)	No	No	Yes

Document Change History			
Document Version	Author/editor	Description of Change	Date
2.1	Mini Nilkund – Group HR	Initial release	15 <sup>th</sup> September, 2014
2.2	Head - Legal	Name change of the company	1 <sup>st</sup> April, 2018
2.3	Head-People Practice	Referring to latest updates / changes	25 <sup>th</sup> January, 2021
2.4	Head-People Practice	New IC Structure formation	1 <sup>st</sup> April, 2022
2.5	Head-People Practice	Addition of POSH Contact ID	15 <sup>th</sup> March, 2023

## Index

Sl. No.	Particulars	Page No.
1.	Objective and Introduction	3
2.	Scope and Application	4
3.	Definitions	4-5
4.	Constitution, Functions & Powers of Internal Committee	6
5.	Procedure for Filing a Complaint	7-9
6.	Inquiry	8
7.	Relief	10
8.	Duties of the Employer under this ACT	11
9.	Other Compliances	11
10.	Penalty for Non – Compliance by the Employer	11
11.	Privacy	11
12.	Interpretation / Overriding	12
13.	Appeal & Recourse to Courts	12
14.	Amendments	12
15.	Contact Details	12

## **Objective and Introduction**

Medi Assist Healthcare Services Limited including its subsidiaries (“Medi Assist” or “Company”) is committed to creating and maintaining a secure work environment where its employees 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.

All concerned should take cognizance of the fact that Medi Assist strongly opposes sexual harassment, and that such behavior against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013, which came into force on 9<sup>th</sup> December , 2013, read with The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Rules, 2013. This Act provides for protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

At Medi Assist, 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 provide a working environment in which persons of both genders complement each other as equals and work without fear of prejudice, gender bias, sexual harassment and all forms of intimidation or exploitation.

This policy has been framed with a view to promote a workplace based on equality and respect, awareness and prevention of sexual harassment at workplace, provide mechanism for redressal in case of complaint of sexual harassment at the workplace etc.

Since this policy has been framed in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, some of the provisions of this policy may exclusively apply to an Aggrieved Woman as mandated by the Act. In order to ensure gender neutrality, we believe that all the employees irrespective of their gender have the right to be treated with dignity and respect, hence the complaints received from or with respect to any other gender wherein the mandatory provisions of the Act cannot be applied, shall be dealt with as per the code of conduct or service rules of the Company as applicable.

## **Scope and Application**

### **In relation to Employees:**

The Policy shall cover all the Employees, regular or 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 working 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.

### **In relation to Women:**

The Policy shall apply to a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by anybody covered above.

### **In relation to Workplace**

The Workplace under this Policy includes the premises of office/work site designated for work, including the office canteen/pantry, designated parking area, rest rooms, meeting/conference rooms or any other place visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

Workplace shall also include the following;

- Physical or digital space when an employee is connected to work, even if it is from home, coffee shop or hotel room
- Office provided telecom or communication channels phone, internet, chat, email, Video/Audio conference tools, collaboration tools etc.
- Publicly available social media or other electronic tools if used to communicate between employees for both official and personal purposes Ex WhatsApp, LinkedIn, Facebook, twitter, Instagram etc., or any other instant messaging or chat app by whatever name called.

## **Definitions**

**'Aggrieved Woman'** in relation to 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.

**‘Complainant’** means an Aggrieved Woman who files a written complaint before the IC and also includes any person who files a written complaint on behalf of the Aggrieved Woman alleging the acts of sexual harassment against the Respondent.

**‘District Officer’** means a District Magistrate or Additional District Magistrate or the collector or Deputy Collector as may be notified by the Government, for every District to exercise powers or discharge functions under The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013.

**‘Employer’** means any person responsible for the management, supervision and control of the Workplace and management includes the person or board or committee responsible for formulation and administration of policies for such organization.

**‘Employee’** shall mean 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, includes a co- worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

**‘Internal Committee’ or ‘IC’** shall mean a committee constituted by the Company to investigate/ inquire into the complaints of Sexual Harassment by any aggrieved party

**‘Respondent’** shall mean a person against whom the Aggrieved Woman has made a complaint.

**‘Sexual Harassment’** shall mean and includes any one or more of the following unwelcome acts or behavior whether directly or by implication namely:

1. Physical contact and advances; or
2. A demand or request for sexual favors; or
3. Making sexually colored remarks; or
4. Showing pornography; or
5. Any other unwelcome physical. Verbal on non – verbal conduct of sexual nature.

The following circumstances, if it occurs or is present in relation to any sexually determined 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 intimidating or offensive or hostile work environment;
- Humiliating treatment likely to affect her health or safety

The reasonable person standard shall be used to determine whether the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intent of the person/people, but on the experience of the aggrieved woman.

### **Constitution, Functions & Powers of Internal Committee**

Internal Committee shall consist of:

1. A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employee;
2. Minimum two members from amongst the employee preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
3. One member from amongst NGO's or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least half of the total Members so nominated shall be women. The quorum of IC meetings shall be 3 including Chairperson/Presiding Officer.

Presiding officer shall have the right to nominate members for Separate IC for all the workplace of the Company.

The Presiding Officer and every member of the IC shall hold office for a period not more than 3 years from the date of their nomination.

### **Disqualification**

Where the presiding officer or any member of the IC:

- a. Contravenes the provisions of section 16 of the act
- b. Has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him;
- c. He/She has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- d. Has so abused his/her position as to render his continuance in office prejudicial to the public interest.

Such presiding officer or member, as the case may be, shall be removed from the Committee.

## **Powers**

The Internal Committee shall have the same powers as are vested in a civil court under the code of civil Procedure, 1908 when trying a suit in respect of the following matters:

- a. Summoning and enforcing the attendance of any person and examining him on oath;
- b. Requiring the discovery and production of documents; and
- c. Any other matter which may be prescribed.

## **Duties**

The Internal Committee shall ensure the following duties towards prevention and prohibition of Sexual Harassment:

1. Create a culture of zero tolerance against sexual harassment at workplace
2. Practice open door policy and encourage employees to clarify doubts and ask questions
3. Be pro-active and constantly work towards building safe, secure and conducive workplace for their employees.
4. Have very effective guidelines for disciplinary action, code of business conduct.

## **Procedure for Filing a Complaint**

The Aggrieved Woman may make, in writing, a complaint of sexual harassment at the workplace to the IC, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident. The complaint can also be routed through the women representatives at respective locations. The IC shall render all the reasonable assistance to women for making the complaints in writing. This time limit may further be extended beyond 3 months if the IC is satisfied that there were circumstances that prevented the woman from filing a complaint within the specified timeline.

- A. Where the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-
  - i. her relative or friend;
  - ii. her co- worker;
  - iii. an officer of the National Commission for Women or State Women's Commission; or
  - iv. Any person who has knowledge of the incident, with the written consent of the aggrieved woman.
  
- B. Where the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
  - i. her relative or friend; or

- ii. a special educator; or
  - iii. a qualified psychiatrist or psychologist; or
  - iv. the guardian or authority under whose care she is receiving treatment or care; or
  - v. any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- C. Where the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
- D. Where the Aggrieved Woman is dead a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

### **Inquiry**

The Internal Committee, before initiating the inquiry, may at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent, through conciliation. However, such conciliation shall not include any monetary settlement. Wherever such settlement has been arrived at, the IC shall record it and send the same to the employer to take action as per its recommendation. The IC shall provide copies of settlement to the Complainant and the Respondent. Once such settlement has been arrived at, no further enquiry shall be conducted by the IC, however, the Complainant can further refer the same to IC for redressal if the terms of settlement have not been complied with and thereupon the IC shall proceed to make an inquiry thereof.

### **Procedure of Inquiry of Complaint**

1. The Complainant shall submit 6 copies of complaint to the IC along with supporting documents and the names and addresses of the witnesses, if any. However, the Complainant may also raise the complaint electronically by way of an email addressed to the IC at and the requirement of submitting physical copies of the Complaint can be dispensed with.
2. The IC shall send a copy of the complaint to the Respondent within 7 days of receipt of complaint or forward the email containing the complaint to the Respondent.
3. The Respondent shall file his reply or respond to the email along with his list of documents and the names and addresses of the witnesses, if any within 10 days of receipt of complaint from IC.
4. The IC, while inquiring the complaint referred to it, shall call upon both the parties separately, hear and verify documents produced by the parties, allow the parties to produce witnesses and to put forth their version. Both the parties during the course of enquiry shall be given an opportunity of being heard. However, in certain circumstances where a physical inquiry cannot be conducted, the IC may use Video Conferencing tools to conduct inquiry virtually depending upon the situation. The IC may try to convince the party for a video inquiry, but if objected, IC



may use video to complete the verification, document the objection and proceed with an audio call.

5. For any form of electronic evidences submitted during the course of the investigation, if evidence is not in its original form, a certificate would be needed, assuring its originality. This certificate can be provided by the user, who used the device during the period.
6. IC shall have the right to terminate the inquiry proceedings or to give an ex- parte decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the IC. However, a written notice of 15 days shall be given in advance by IC before terminating or giving ex-parte decision.
7. The IC shall protect the identity of all individuals involved during the process, identity and the address of the Complainant, Respondent, witnesses, contents of complaint and its enquiry proceedings, reports, recommendations etc., action taken by the employer and all these information shall not be communicated or made known to the public, press and media in any manner. In case any person entrusted to protect the aforesaid information, contravenes it, the employer shall recover appropriate penalty from him.
8. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC. This is applicable to proceedings of inquiry conducted by the IC through both physical and virtual sessions.
9. Where both the Complainant and the Respondent are Employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a physical or soft copy of findings on the complaint shall be provided by the IC to the parties concerned. In case soft copy of the inquiry report is provided by the IC to the parties concerned, the receipt of such report shall be acknowledged by the respective party from his official mail id , by responding to the email sent by the IC. The acknowledged email must be printed by a member of the IC and shall be kept in the file of the inquiry.
10. In case the IC on conclusion of the investigation finds that the allegation is false or malicious or has been made by the Complainant knowing it to be false, or has produced any forged / misleading document, it will recommend to the employer to take such actions which are prescribed to be taken against the Complainant in accordance with the service rules of the Company. Provided that a mere inability to substantiate a complaint or provide adequate proof does not attract action against the Complainant. The malicious intent on the part of the Complainant must be established after an inquiry, before any action is recommended.
11. The inquiry shall be completed by IC within a period of 90 (ninety) days of receiving the complaint. If the IC feels that the inquiry cannot be effectively completed within a period of 90 (ninety) days due to illness or physical health issues of the Complainant or the Respondent or any delay caused by events such as lockdown, pandemic or related issues etc., IC may take additional time to complete the inquiry. Reasonable delay in delivering the accurate verdict should be acceptable This delay must be documented and reported in the Annual Report of the

IC, including the steps taken to expedite the inquiry and any interim measures to prevent aggravation of the situation as may be required

12. The Inquiry Report shall be sent by the IC to the Employer within 10 days of the completion of the inquiry and the Employer shall act upon the recommendation of IC upon completion of inquiry within 60 days of its receipt by him/her.

## **Relief**

### **During the pendency of inquiry**

On a written request made by the Complainant, the IC may recommend to the Employer to grant the following interim relief:

- Transfer the Complainant or Respondent to any other workplace.
- Grant leave to the Complainant up to the period of 3 months (over and above the entitled leave) under Company policy.
- Grant such other relief to the Complainant as the IC may feel appropriate.

The Employer shall implement the recommendations of IC and send the report of implementation to the IC.

### **On completion of Inquiry**

- A. If the allegation has not been proved, IC shall recommend to the Employer and the District Officer that no action is required to be taken in the matter.
- B. If the allegation against the Respondent has been proved, the committee shall recommend to the Employer:-
  - Actions in accordance with misconduct mentioned in service rules /appointment letter;
  - Issue a verbal and or written warning;
  - Issue a suspension;
  - withholding of increment or promotion;
  - To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the Respondent the such sum as it may consider appropriate to be paid to the aggrieved woman or her legal heir;
  - The IC may also recommend termination of employment or counseling session or community services.
  - The IC shall while determining the compensation which is to be paid to aggrieved woman, shall have regard to:-
    - a. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
    - b. The loss in the career opportunity due to the incident of sexual harassment;
    - c. Medical expenses incurred by the victim for physical or psychiatric treatment

- d. The income and financial status of the Respondent.
- e. Feasibility of such payment in lump sum or in installments.

### **Duties of the Employer under this ACT**

The legislation also provides certain duties of the employer including providing safe working environment at the workplace, organizing workshops and awareness sessions, assistance to the woman in filing a complaint in relation to the offence under Indian Penal Code etc.

The Employer for the sake of feasibility and accessibility has set up the IC based on the 4 zones in India. Every zone - East / west / North / South has set-up an Internal Committee to look into the affairs of creating a safe workplace for the Employees under the said Act.

### **Other Compliances**

The IC shall in each calendar year prepare, in the prescribed form and time, an annual report and submit the same to the employer and District Committee. The report shall have the following details:

1. Number of Complaints of sexual harassment received in the year;
2. Number of Complaints disposed off in the year;
3. Number of cases pending for more than 90 days;
4. Number of workshops or awareness sessions against the sexual harassment carried out;
5. Nature of action taken by the employer.

### **Penalty for Non – Compliance by the Employer**

- a) Fine up to Rs. 50,000
- b) Repeated violations may lead to higher penalties of Rs.1,00,000
- c) or cancellations of license or registration to conduct business.

### **Privacy**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the Complaint made under this policy, the identity and address of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the IC, and the action taken by the Employer, shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Party, aggrieved woman and witnesses.

Any person, who contravenes this rule shall be penalized as per the prevailing service rules of the Company.

**Interpretation / Overriding:**

This policy is made in accordance and in compliance with Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. In case of any ambiguity in terms of policy envisaged hereunder, then the meaning construed under the aforesaid Act and Rules or any amendments made to the said Act and Rules shall prevail over this policy.

**Appeal & Recourse to Courts:**

The objective of this policy is to ensure redressal of all forms of sexual harassment and to promote a healthy work environment. However, it shall be not be construed that the Complainant has to avail redressal through this policy only. In the event the Complainant feels that the nature of act committed by the Respondent is so grave that it requires invocation of necessary criminal proceedings as per law of the land, then the Complainant may, in addition to the complaint filed before the IC also file a separate criminal complaint against the Respondent before the concerned jurisdictional police station.

If the Complainant is not satisfied or convinced with the recommendations made by the IC or in case such recommendations made by the IC are not implemented by the Employer, the Complainant may prefer an appeal to the concerned jurisdictional court or tribunal. The appeal shall be preferred within a period of ninety days of the findings/recommendations given by the IC.

**Amendments**

The Company reserves its right to amend or modify this policy in accordance with any amendments made to the Act and Rules at any time where such amendments are necessary in order to be in compliance with the prevailing rules.

**Contact Details**

In case of any complaints or queries, write to the POSH at [posh@mediassist.in](mailto:posh@mediassist.in)

End of the document