

Operationalizing Guidelines: Zero Tolerance - Policy to Prevent and Redress Sexual Harassment at Workplace, Circular Number ABMCPL – GHR – 2022 - 175, effective 1 October 2022

Overview:

The Group is committed to provide work environment that is inclusive, safe, and free of sexual harassment for all employees, irrespective of the gender, sexual orientation, or difference in abilities.

Group Policy to Prevent Sexual Harassment at the Workplace was first implemented in March 2005, through Circular number ABMCPL – GHR – 728. Over the years, the Group has grown manifold, with significant increase in employee base including women employees and geographical spread across India. Hence the Policy has been amended to strengthen alignment with our commitment.

The Operationalising Guidelines must be read in conjunction with Circular Number ABMCPL – GHR – 2022 - 175, effective 1 October 2022 and POSH ACT 2013. Efforts have been made to minimise repetition of content between the Policy and the operationalising guidelines.

Objective:

The objective of this document is to provide guidelines that will enable the HR community in the Group to effectively implement the Policy across all Group offices and factories in India.

POSH, while being a statutory requirement, is also a nuanced subject. Hence, the operationalising guidelines is being prepared as a dynamic document. While it contains all key elements and areas of focus, it will continue to be built on / added by the OE community as we become more mature in the process.

This document contains seven key sections:

- A) ICs
- B) Complaints Handling Process
- C) Education
- D) Communication
- E) Role and Responsibilities
- F) Frequently Asked Questions
- G) Rhythms

A. Internal Committees (IC): The Group will have ICs at three levels: a) Local IC, b) Business IC and c) Group IC.

Formation and composition of committee members is key to ensure sensitive handling of all POSH cases.

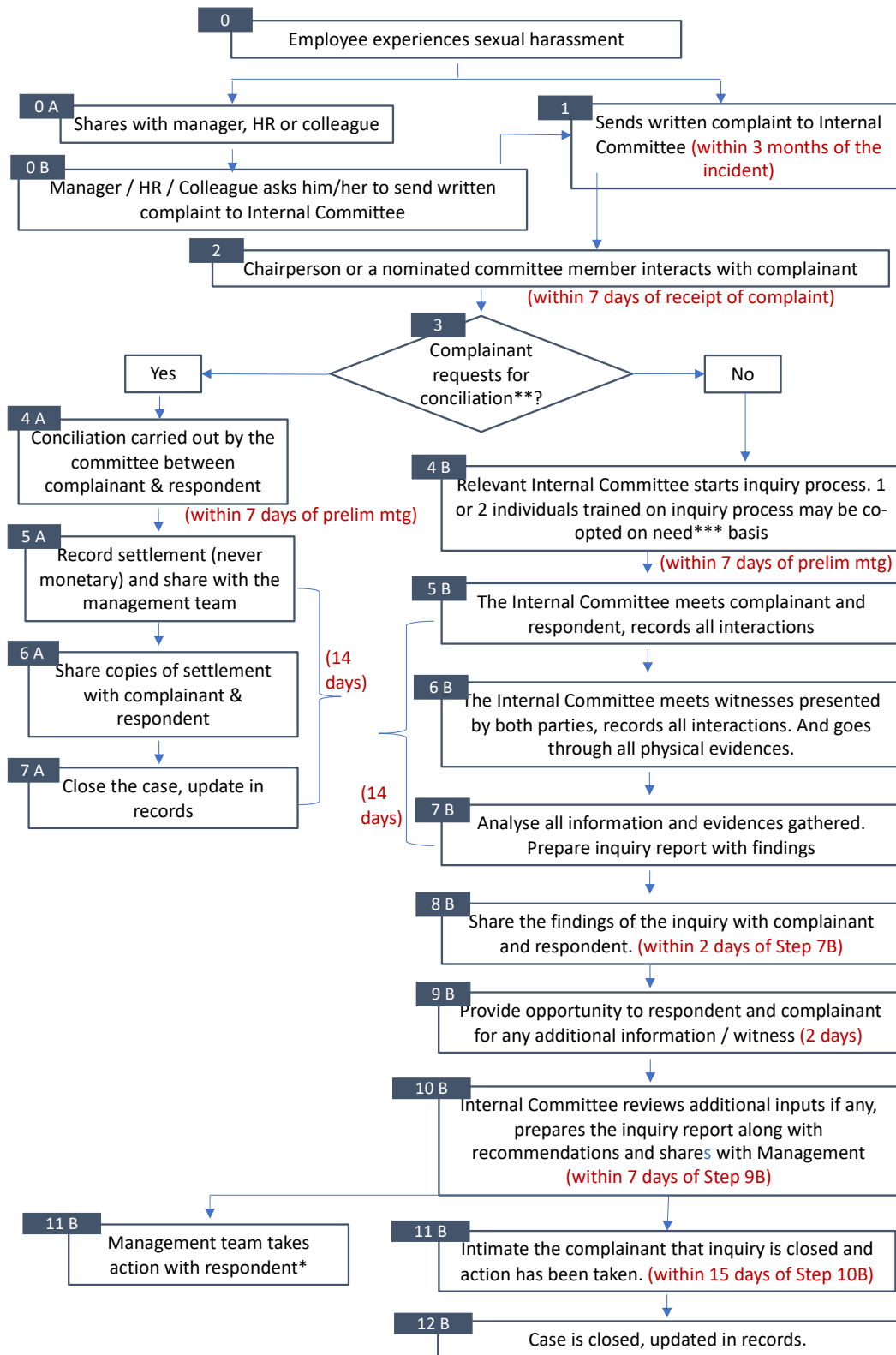
Key points:

1. **Multiple Committees:** Depending on the size and spread of the Business, a Business is likely to have multiple Local ICs – each for the Unit/ Region / Vertical with 100 or more women employees.
2. **Unique email id** needs to be created for every IC. All members of the IC will be tagged to the specific email id. Thus, any email sent to this email id will be automatically received by all members.
3. **4-5 Members in the Committee:**
 - One senior woman from the Group / Business / Unit as Chairperson
 - Director HR / CHRO / Unit HR heads for Group, Business, Local IC respectively
 - Member from the Legal team
 - Other members preferably in senior management, individuals who are mature, approachable and credible
 - Other key considerations:
 - The committee should avoid members from the same department / function or with reporting relationship
 - If adequate number of senior members are not available for a Local or Business IC, they may be taken from another Business or Group
4. One member from the Committee will play the role of secretary to the IC. The secretary will support the Chairperson of the IC to effectively run the Committee including meeting all statutory requirements.
5. **Interlinkages between Committees:** With multiple ICs at different levels, spread over geographically dispersed locations, interlinkages must be built across Committees. These interlinkages will ensure consistency of inquiry process, recommended actions and speedy resolution of complaints.
 - Every Local IC must have a representation from the Business IC.
 - All communication to Local IC will be tagged to Business IC.
 - Business or Local IC that are catering to Units / Offices with fewer than 100 women employees, must have representative members from these units / offices in the IC. This will facilitate reach to employees.
6. **Tenure of IC Members** – should be 3 years; 1/3 members will step out each year to help maintain continuity and bring fresh and unbiased perspectives.

B. Complaint Handling Process

Following is the overview of the complaints handling process.

Sexual Harassment Complaint Handling Process



Note: All days to be referred as working days.

*or with complainant if the complaint is found to be made with malicious intent

**Conciliation to happen only at the request of complainant

***If the IC Members are unavailable due to unavoidable circumstances like illness, long travel etc.

Critical steps in the complaint handling process:

Step 1: Filing Complaints - should be sent at the earliest, or within three months from the date of occurrence of the alleged incident. In case of series of incidents, the complaint must be sent within three months from the date of last incident.

Step 2: Preliminary meeting with the complainant – must happen within 7 days of receipt of the written complaint

- **Step 3: Conciliation, if request raised by complainant** – must be closed within 14 days of preliminary meeting
- **Step 4B: Initiation of inquiry** – within 7 days of preliminary meeting, if conciliation is not a possibility. Critical considerations when committee members should not be in inquiry process of a specific complaint:
 - If the member is involved in critical decisions about the complainant or respondent, example: CHRO must not to be part of inquiry process if he / she is involved in difficult actions like PIP with either party
 - If the complainant or respondent is in direct chain of command (ex: same function) of the committee member
 - The Chairperson may co-opt 1 or 2 trained individuals in the inquiry process of the specific case, if few committee members are not able to join inquiry process due to unavoidable circumstances (ill health, travel etc.)
- **Step 5B, 6B, 7B and 8B: inquiry of the complaint and prepare findings**– within 14 days of initiation of the inquiry process. Share findings with the complainant and respondent within 2 days of step 7B.
- **Step 9B: Opportunity to complainant and respondent** – to provide additional information / evidence, if any, within 2 days.
- **Step 10B: Finalise report** – IC finalises the inquiry report along with recommendations for management
- **Step 11B and 12B:** Intimate the complainant that the inquiry is closed and action taken. Case is closed and updated in records.

Two important statutory requirement:

- inquiry process must be completed within 90 days of receipt of written complaint.
- Management Team must take action within 60 days of receipt of the inquiry report from the Committee

Guidance to the IC to conduct inquiry:

- The IC will ask the aggrieved to prepare a detailed statement of incidents/allegations with supporting documents and the names and addresses of the witnesses, if any. The statement of allegations will be shared with the respondent.

- Thereafter, the respondent will be asked to prepare a response to the statement of allegations, along with the list of documents and names and addresses of the witnesses and submit to the IC.
- The IC will organise verbal hearings with the complainant and the respondent, in accordance with the principle of natural justice.
- During the course of inquiry, the IC shall make a copy of the findings available to both the Parties enabling them to make representations against the findings before the IC.
- The IC will take testimonies of other relevant persons and review the evidence wherever necessary. The IC should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- During the inquiry process, the complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- The IC will conduct inquiry in accordance with the practices of natural justice, i.e the complainant will be offered to the respondent for cross-examination and vice versa.
- The IC will arrive at a decision after carefully and fairly reviewing the circumstances, evidence and relevant statements.
- The IC will ensure confidentiality during the inquiry process and will ensure that both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents;
- The IC 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 victimised nor discriminated against while dealing with a complaint of sexual harassment.
- The IC shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the aggrieved or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearing convened by the Chairperson, provided 2 days advance notice is provided to the party concerned, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 2 days in advance, to the party concerned.
- For the purpose of making an inquiry, the IC shall have the same powers as are vested in the civil court under Code of Civil Procedure, 1908.
- The parties to the complaint shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

Guidance to the IC for handling complaint involving foreign national: The Group will provide necessary support to the employee in following manner.

1. Foreign national sexually harassing an Indian employee in India – should an employee wish to pursue the matter with the assistance of the employer, he/she should first engage with the Group IC to decide necessary course of action in this regard.

For reference, the following legal position may be helpful:

If the offence is committed in India, then the liability can be fastened on the Foreign national and the punishment can be awarded under applicable Indian Laws, provided the presence of such Foreigner can be secured in India during trial.

2. Foreign employee of a Group Company sexually harassing an Indian employee outside India – Although the local laws where the offence is committed will prevail, however, since both employees belong to the Group, the Group IC will conduct inquiry.

In absence of a stricter position under the local laws and/or the POSH policy of such Group company, the policy with the stricter provisions shall prevail.

3. Foreign national, other than employee, sexually harassing an Indian employee outside India – The local sexual harassment/criminal laws will take precedence. Should an employee wish to pursue the matter with the assistance of the employer, he/she should first engage with the Group IC to decide necessary course of action in this regard.

Intermediation Process - At the end of the inquiry, if the complainant is not satisfied with the inquiry conducted by the IC, he/she may request for intermediation to the Group IC by highlighting any one or more reasons:

- I was not given opportunity to present my case fairly, accurately, freely
- I am not satisfied with the inquiry done
- I am not satisfied with the inquiry outcome
- Any other reason, please specify

The Group IC after receiving the intermediation request will

- go through the inquiry report and evidence collated
- assess the fairness and objectivity of the inquiry process from Chairperson of the IC
- assess the rigor of the inquiry process and the nature of actions recommended

Based on the understanding, the Group IC will it will prepare intermediation findings and share it with appropriate Management. The decision of the Group IC will be final and binding on all parties concerned.

C. Education

Education on POSH is critical for meeting our commitment – create a safe and sexual harassment free workplace for all employees. In addition education of employees and inquiry committee members is a statutory requirement.

1. Employee Education – to ensure all employees understand nuances of sexual harassment, what's acceptable / not acceptable and how to maintain right decorum at workplace

- **Mandatory** e-learning on GVC :
 - One time coverage of all employees to ensure compliance
 - e-learning included in Induction
- **Optional** instructor led learning: may be organized by Units / Businesses on need basis
- **Refresher training once a year**: 15-20 mins e-learning or an online test once a year

2. Education of IC Members: to develop the ability to conduct inquiry in an objective manner

- **inquiry training** - All members, within one month of inclusion in the IC, must be trained on
 - the policy and statutory requirements / responsibilities
 - conducting inquiry
 - writing inquiry reports
- **Refresher training** – short refresher on conducting inquiry , update on changes in the statutory requirements. This may be a
 - short instructor led training,
 - or a short self-read refresher guide

In addition, the **potential members** who might be co-opted for inquiry process in case of need **must mandatorily complete the inquiry training** before being included in any inquiry process.

3. Records of Education – Records of all trainings – for employee, IC Members must be maintained, preferably in digital form in GVC.

D. Communication

Beyond trainings, it is critical to have adequate and frequent communication about the POSH Policy. This emphasises our zero tolerance policy and is also a statutory requirement.

- 1. Physical Communication** – posters, danglers, or standees to be placed in conspicuous places to enhance visibility. Examples of conspicuous physical location – notice boards, entry / reception area, bathroom doors, cafeteria etc.
- 2. Digital Communication** – digital assets to be leveraged for continuous reach, few options are Poornata Portal, ABG Onstream, Business Internal Portals and emails.

To enhance the reach of the messages and access to IC members, all communication

- Must include the email id of the relevant IC and the names of all the IC Members
- May be translated to local language

E. Roles and Responsibilities

The HR community plays a critical role in meeting our commitment; creating a safe, inclusive and sexual harassment free workplace. Every **HR member must have thorough understanding of the POSH policy and actions to be taken if a complaint is filed in his or her domain of work**. In addition, following is a broad outline of the responsibilities for key members.

1. HR frontline

- **Communication** - Ensure physical communication, with relevant IC details is displayed
- **Education** - All employees in his / her area of work are knowledgeable about POSH, have gone through the e-learning
- **Complaints** – make sure they reach the relevant IC at the earliest
- **Work environment** - Be sensitive to subtle signs of sexual harassment; either take appropriate action or seek intervention from seniors in HR or Business.

2. Unit HR Heads / Depart Heads / HRBPs

- **Communication** - Ensure the physical communication captures the right email id and names of the relevant Local IC
- **Education** - Ensure all new employees, including leaders joining the Unit / Office are trained
- **IC** - Ensure that the IC is correctly formed. Update the BCOE-OE about changes to be made (in case of transfers, exits)
- **Complaints handling**
 - Proactively update the BCOE-OE about the POSH cases, share the inquiry report along actions recommended
 - Proactively seek support from BCOE on sensitive cases, or cases involving leaders of the Unit / Office
- **Work environment** – contain the gossip and buzz on the floor, during a case inquiry. Guide concerned leaders for appropriate actions

3. BCOE - OE – overall responsible for smooth implementation of the POSH Policy in the Business: communication, education, formation of ICs, case handling and reporting per statutory requirements. Will also be the conduit for GCOE-OE.

- **Communication**
 - Design or customise (ones sent by GHR) physical and digital communication, support Units in translation to local languages.
 - Make sure physical communication is appropriately placed in all units / offices
 - Share all digital communication as per rhythm – emails, Portal and Business Portals
- **Education**
 - ensure all employees are trained – mandatory e-learning and additional trainings as need be

- ensure the Business and Local IC members are trained – new members within first one month of joining and refresher once a year
- all training data of employees IC members is updated and easily retrievable
- **IC**
 - form Business IC and Local IC, ensure that the members are up to date at all times
 - create unique email ids for Local IC and Business IC; ensure it's working
 - Provide support to the IC on need basis. Should be tagged to all Local and Business IC
- **Complaints handling**
 - ensure all complaints, inquiry reports and actions taken are consolidated at Business level
 - proactively intervene / provide guidance to the IC – on inquiry and recommended actions and closures
 - provide support if an employee wishes to appeal to Group IC
- **Work environment** – Sensitise and educate HR members on signs to watch out for at workplace
- **Statutory requirement** – Ensure that annual report is submitted to the District Officer end of the year: number of complaints received, number of complaints disposed of, number of cases pending for more than 90 days, number of workshops / awareness programs carried out, nature of actions taken
- **Maintain Rhythms** – agreed with One HR: education, communication and sharing updates on IC, complaints and actions. Add to the Operationalising guidelines based on experience / cases in the Business

4. CHROs – Work along with BCOE-OE, provide necessary support and ensure that the POSH Policy is effectively and rigorously implemented. Few key elements:

- **Educate, guide and sensitise** leaders and HR team on finer nuances of sexual harassment, maintaining inclusive and safe work environment. Be proactive in actions.
- **Watch out for borderline cases** – ex: poor performance leading to POSH complaint, and proactively deal with them
- **Consistency in recommended actions** – neither too soft or harsh, ensure recommended actions are implemented
- **Work environment** – quieten the buzz, gossip on the floor, guide leaders when a case is being investigated, specially more sensitive ones
- **Relief to complainant** – facilitate necessary relief to complainant pending inquiry, ex: extending leave or change in desk or change in boss or transfer to another unit

5. GCOE – OE

- **Policy** – refresh policy and operationalizing guidelines, ensure it reaches all employees and HR through BCOE-OE

- **Communication** – support Businesses by designing few physical and digital communication. These will be customised / built on by Businesses.
- **Education** – Identify and tie up with partners for development of employees and IC member training.
- **Complaint handling** – keep the OE community updated on any nuances, latest learning or trends associated with POSH.
- **Consolidate and analyse data for Group** – education, cases, nature of cases, closure time, nature of actions etc
- **Group IC** – support the Chairperson on smooth functioning

Other GCOEs

- Understand the POSH policy, and look for potential connect in areas of work, as applicable. Few examples:
 - Hiring – to include POSH cases, if any, in background verification check
 - Talent – for consideration while identifying talent in inverted L

F. Frequently Asked Questions (to be collectively built by OE community as we mature in the process and rhythms stabilise)

1. When should a IC member not be a part of an inquiry process?

A IC member must not be part of the inquiry process

- he / she is / has been involved in any difficult conversations with the complainant or respondent like PIP, unwanted transfer etc.
- if the complainant or respondent is in direct chain of command – working in same function (even if several levels below)
- if there is likelihood of association with the complainant or respondent that might influence (or perceived influence) on the fairness of the process.

2. How should an employee seek intermediation from the Group IC, if he / she is not satisfied with the outcome?

The employee may seek intermediation from the Group IC through an email. In the email, he/she must give following details:

- Name and Business / Unit
- Reason for seeking intermediation:
 - Not given opportunity to fairly, accurately, freely present my case
 - Not satisfied with the inquiry done
 - Not satisfied with the outcome
 - Or specify any other reason

3. Will Group IC reinvestigate the case, when an employee makes an intermediation request?

The Group IC will understand the fairness and objectivity of the inquiry process. It will not reinvestigate the case. If need be, it will ask the Business or Local IC get more details / specifics of the case.

4. Is it mandatory to have an external member in all the inquiry processes?

It is not mandatory to have an external member as part of all inquiry. She may be included only in specific cases, ex: sensitive cases involving senior members of the organisation. But, it is mandatory to have an external member in the IC. The same member can be part of all the Business and Local IC of a Business.

5. Is POSH policy applicable to men?

Both men and women can be victims of sexual harassment. While POSH Act is applicable to women, Group POSH policy is applicable to all employees irrespective of gender, sexual orientation and difference in abilities.

6. Can verbal conduct amount to sexual harassment?

Verbal harassment that is sexually coloured can constitute sexual harassment. Words can be just as offensive as physical acts and contact. Sexually coloured jokes, comments and stories can be sexually harassing and can create a hostile work environment.

7. Can a complaint of sexual harassment be conciliated/mediated between the parties?

Yes, conciliation can be done at the request of the complainant. However, it must be done only if the complainant is keen and is not under any external pressure.

8. How many members must be included in an inquiry?

Law requires a minimum of 3 Members including the Chairperson to be present for conducting the inquiry. In order to strengthen the process, it is advisable to have 4 members in the inquiry process including the Chairperson.

9. What happens if a Business or a Unit does not have senior woman leader to be part of the IC?

The Business or Unit may involve a senior woman leader from another Business or the Group to be part of the Business or Local IC.

10. Is the Policy applicable to women working in workmen cadre or contract?

Yes, POSH Policy is applicable to all employees, irrespective of the nature of association with the Group. Hence, it is critical to ensure that all the communication is translated into local language and reached to Local Management Staff, Staff not on ABG roles, workmen category or contract.

11. What happens if an employee is not able to file a written complaint by self?

In case the complaint cannot be made in writing, the IC, shall render all reasonable assistance to the complainant for making the complaint in writing.

Where the complainant is unable to make a complaint on account of *physical incapacity* their legal heir or by persons specified hereinbelow:

- a. His/her relative or a friend; or
- b. His/her co-worker; or
- c. an officer of National Commission for Woman or State Women's Commission; or
- d. any person who has knowledge of the incident, with the written consent of the aggrieved;

Where the complainant is unable to make a complaint on account of its **mental incapacity** their legal heir or by persons specified below:

- a. His/her relative or friend; or
- b. a special educator; or
- c. a qualified psychiatrist or psychologist or
- d. The guardian or authority under whose care he/she is receiving treatment or care; or
- e. any person who has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care he/she is receiving treatment or care;

Where the complainant 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 the written consent of the aggrieved.

Where the complainant is dead, a complaint may be filled by any person who has knowledge of the incident, with the written consent of the legal heir of the aggrieved.

12. Will non-employees like customers, partners, vendors be covered in the policy if the sexual harassment happens in workplace?

The policy will be extended to those who are not employees of the Group, such as customers, visitors, vendors, suppliers, or called by any other such name, but are subjected to sexual harassment at the workplace or causes sexual harassment to the employee.

13. What should be done if the employees against whom the complaint registered is on notice period?

In the event an employee against whom a complaint has been filed resigns from the services of the Company, the Company shall have the right to claw-back the full and final settlement, including all previous benefits until the inquiry report has been submitted to the Management Team.

In the event a complaint is filed against an ex-employee of the Company within three months of such person ceasing to be an employee of the Company, the Company may consider and provide such assistance to the aggrieved as it may deem fit.

14. What if a complaint is filed after 3 months of the incident?

The IC on exceptional conditions, if satisfied by the reason, can extend the time limit not exceeding three months in addition to the initial period of three months, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the said period.

G. Rhythms: Specific Rhythms have been proposed to facilitate consistent and rigorous implementation of the policy without proportionately increasing the effort. Rhythms are proposed for:

1. Education
2. Communication

3. IC
4. Complaints and inquiry

1. Education:

Employee Education on POSH:

<i>S/n.</i>	<i>Employee Segment</i>	<i>Action</i>	<i>When</i>	<i>Who</i>	<i>Resource</i>
1.	All employees	Check completion of POSH e-learning, reminder to complete	Once a Year – October	Business HR	POSH course on GVC – available
2.	New employees	Mandatory e-learning, within 30 days of joining. Include in induction training for first time employees straight from campus. Ex: GETs, ABGLPs, Young managers etc.	Check before confirmation		2-3 slides to be provided by GCOE-OE
3.	Mid and senior level leaders	CHRO or BCOE-OE sensitises about POSH policy over and above training			Checklist to be prepared

Educating IC Members:

<i>S/n.</i>	<i>Action</i>	<i>When</i>	<i>Who?</i>	<i>Resource</i>
1.	Training on POSH, inquiry and Report writing	Within 30 days of joining the Committee or nominated as Investigator	BCOE-OE	a) 2-3 Partners identified and signed up by GCOE-OE b) One training by GCOE-OE in Oct-Nov every year
2.	Short refresher training / inputs	Once a year	BCOE-OE to nudge	e-learning or self-read – GOCE-OE to prepare

2. Communication:

Physical

S/n.	Action	When	Who?	Resource
1.	Put up posters or standees in conspicuous places in office. To ensure relevant IC details are updated	To be always present - a statutory requirement	Frontline HR, HRBP, Unit HR	3-4 Templates for communication shared by GCOE. May be customized, translated by Business / Unit / office

Digital

S/n.	Action	When	Who?	Resource
1.	Content / card with all the Group, Business and Local ICs (specific to Business) on Portal and Business Intranet	To be always present	BCOE-OE	1 template shared by GCOE. May be customized
2.	e-mailers sent to all employees	Once in a quarter	BCOE-OE	3-4 templates shared by GCOE, to be customized
3.	e-mailers sent to all employees	Once in six months – Oct and Apr	GCOE-OE	

3. ICs:

It is critical to have updated ICs across the Group.

S/n.	Action	When	Who?	Template
1.	Share updated list of Business and Local ICs Members with GCOE-OE	October of every year	BCOE-OE	Annexure 1 – Template for IC
2.	Update GCOE-OE about any change to the Business and Local IC, formation of new Local IC or addition /modification to the members	Within 15 days of the change	BCOE-OE	None
3.	IC meet once a quarter	Once a quarter	BCOE-OE, GCOE-OE	

4. Complaints and inquiry:

Once a year, in April, Businesses will share the following details to GCOE-OE (Template in Annexure 2 – complaints and inquiry)

- Total number of cases received in the previous year
- Short summary of each case – without revealing names and identifiable information to maintain confidentiality
- Summary of action taken
- Pending Cases

Annexure 1 – Template for IC

IC

<i>Name of the Committee</i>	<i>Email id of the Committee</i>	<i>Names of Members</i>	<i>e-mail ids of members</i>	<i>Training status – Y/N</i>
Business IC <Name>				
Local IC 1 <Name>				
Local IC 2 <Name>				
Local IC 3 <Name>				

Annexure 2 - Complaints and inquiry

Closed Complaints

<i>Case Summary</i> (max 5 to 10 sentences)	<i>Unit / Office</i>	<i>Date of complaint</i>	<i>Date of closure</i>	<i>Summary of Actions</i> (max 2-5 sentences)

Open Complaints

<i>Case Summary</i> (max 5 to 10 sentences)	<i>Unit / Office</i>	<i>Date of complaint</i>