

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF EMPLOYEES IN WORKPLACES TAM MEDIA RESEARCH PVT LTD.





INDEX

SN#	<u>CONTENTS</u>	PAGE NO
1	<u>Purpose</u>	<u>2</u>
<u>2</u>	<u>Objective</u>	<u>2</u>
<u>3</u>	Coverage	<u>2</u>
4	<u>Definitions:</u>	<u>2,3</u>
<u>5</u>	Complaint Mechanism	<u>4</u>
<u>6</u>	Formal Complaint Procedures	<u>5</u>
<u>7</u>	<u>Inquiry</u>	<u>5</u>
<u>8</u>	Interim relief / Recommendation	<u>6</u>
9	Report / Recommendation	<u>7</u>
<u>10</u>	<u>Appeal</u>	<u>8</u>
<u>11</u>	Malicious Allegations	<u>8</u>
<u>12</u>	Complaints Committee	<u>8,9</u>
<u>13</u>	Conciliation:	<u>9,10</u>
<u>14</u>	Confidentiality:	<u>10</u>
<u>15</u>	Committee Members Details	<u>11</u>
<u>16</u>	Process Flow	<u>12</u>

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. Purpose

It is the policy of TAM Media Research Pvt. Ltd to provide an environment free from harassment for any reason, whether because of age, race, color, religion, gender, creed, national origin, disability, or any other factor, especially sex. Sexual harassment violates an individual's fundamental rights and personal dignity, is unlawful, and shall not be tolerated by TAM Media Research Pvt. Ltd. TAM Media Research Pvt. Ltd considers sexual harassment in all its forms to be a serious offense.

2. Objective:

To provide a work space in which all individuals are treated with respect and dignity where each individual has the chance to work in professional environment that provides equal employment opportunity and prohibits discriminatory practices including harassment.

Harassment is unacceptable regardless of whether it occurs in the work space or in settings outside the work space such as in Vehicle, third party office, business trip, company events or office sponsored social or business functions.

To promote an environment that will raise awareness about and deter acts of sexual harassment of employees of the Company to uphold the commitment of the Company to provide an environment that is free from discrimination and violence against women.

3. Coverage:

i. It covers all full-time employees of the Company and other people/contractor part-time and third party vendors and people seeking recruitment with TAM Media Research Pvt. Ltd. in both on and off site locations setting when involved in employment or other activities

4. Definitions:

i. "Employee" - For the purpose of this policy, the term "employee" means any person on the rolls of TAM Media Research Pvt. Ltd; and this would also include persons who are temporary or part time or freelancers or honorary employees, by whatever name called and would include persons engaged on a casual basis or for project based assignments and/or persons who are engaged through any third-party service providers. This broad definition of 'Employee' used for the purpose of this policy cannot be used to claim rights of an employee conferred by any other law of the land.

- ii. <u>Aggrieved woman:</u> In relation to a workplace, a woman, of any age, whether directly employed or not, includes contractual, temporary, visitors.
- iii. Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
- iv. <u>Workplace:</u> In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Company, including transportation provided for undertaking such a journey.

Add-

- i. "Act" shall mean the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, including any statutory amendment or re-enactment thereof.
- ii. "Complaint" shall mean a complaint filed by a Complainant on account of Sexual Harassment.

 Notwithstanding anything contained elsewhere in this Policy, it is clarified that the above definition of the term "Complaint" will not include anonymous complaints of Sexual Harassment i.e. wherein the identity of the Complainant is not mentioned. However, pursuant to the judgment delivered by Hon'ble Calcutta High Court in the matter of Malabika Bhattacharjee vs. Internal Complaints Committee, Vivekananda College and Ors., this policy shall cover Complaints filed by Employees against a Respondent of the same gender.
- "Complainant" shall mean an employee of the company, or any person of any age associated with the company, visiting company or otherwise present on the premise of the company who has been subject to any incident of Sexual Harassment. This definition includes an Aggrieved Woman as defined hereinabove.
- iv. **"Enquiry"** shall mean the enquiry instituted by the Internal Complaints Committee to investigate a Complaint of Sexual Harassment.
- v. **"Internal Committee"** shall mean the committee constituted in accordance with Section 4 of the Act. The details about the composition of the Committee is stated in

- vi. "Policy" shall mean _____Prevention of Sexual Harassment Policy.
- vii. "Respondent" means a person against whom a Complaint alleging of Sexual Harassment has been filed under this Policy.
- v. <u>"Sexual Harassment"</u> The definition of "Sexual Harassment" shall include but not be restricted to the following.

Sexual Harassment is such unwelcome sexually motivated behaviour (whether directly or by implication which includes virtual conduct as well) as:

- Physical contact and advances
- A demand or request for sexual favors
- Sexually colored remarks or remarks of a sexual nature about a person's clothing or body.
- 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.
- Digital stalking (stalking in all forms of social media)
- Showing pornography, writing sexually loaded letters/emails/SMS.
- Visual forms of harassment such as graphic, inappropriate material, posters, cartoons or drawings.
- Eve-teasing, innuendos and taunts, physical confinement against one's will.
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- Giving gifts or leaving objects that are sexually suggestive.
- Persistent watching, following, contacting of a person
- And/or any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Virtual conduct:

- Sending personal and inappropriate messages
- Sexual jokes/forwards/videos/drawings/pictures
- Sexual descriptions over telephone or video conferencing
- Continuous idle chatter over phone which is of sexual nature
- Unwelcome remarks while communicating
- Digital stalking (stalking in all forms of social media)
- Lewd gossips on colleagues about sexual affairs/sexual orientation/preferences/virginity
- Vulgar humor or language while communicating
- Relentless proposals for physical intimacy

- Encroaching personal space by asking inappropriate questions
- Passing Sexual comments on weight, body shape, size, or figure
- vi. "Complaints Committee": A Committee formed under this policy to investigate complaints of sexual harassment referred to it and make appropriate recommendations to the relevant management team known as <u>Internal Complaint Committee (ICC)</u>.
- vii. "Management Team": A Management team refers to the person/s vested with the powers to take appropriate disciplinary action.

5. Complaint Mechanism :

The aggrieved person should attempt to indicate to the person indulging in the sexually offensive behaviour that the behaviour is unwelcomed, and specifically requesting the respondent to stop the behaviour. Where the aggrieved person feels that they cannot ask the respondent to stop offensive behaviour, or inspite of having done the same, behaviour continues, they may ask for the behaviour to be dealt with under the grievance procedure.

It is important that the aggrieved person keeps a written record of dates, times, details of the conduct and witnesses, if any. Each complaint should at the minimum be specific as to:

- Nature of sexual harassment
- Identity of the person/s who is/are involved in the act/s of sexual harassment
- Facts and circumstances in support of the complaint

The aggrieved person can inform and approach any member of the IC member with a written complaint, supporting documents and list of witnesses to shicc@tamindia.com within period of 3 months from the date of the incident/s. In case the aggrieved person is not able to register complaint due to any physical incapacity, complaint can be registered with written consent from the aggrieved person either by relative, friend, and colleague.

In case the aggrieved person is not able to register complaint due to mental incapacity, complaint can be registered with written consent from either of the aggrieved person's relative, friend, colleague, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the aggrieved person is receiving treatment or care, any person who has knowledge of the incident jointly with the aggrieved person's relative, friend, colleague, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the aggrieved person is receiving treatment or care. Where the

aggrieved person is dead, complaint can be filed by any person who has knowledge of the incident with written consent of the legal heir of the aggrieved person.

The ICC may extend the time limit not exceeding 30 days by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the aggrieved person from filing the complaint during the period. When the Complaint is received, it will be promptly investigated in a fair and expeditious manner by the ICC. In the event of a written complaint received by the ICC, it shall look into the complaint within 10 working days of receipt of complaint. In case of receipt of the complaint by the Management and / or the Human Resources (HR) department / mechanisms and / or any other person in the Company; it shall be immediately handed over to the ICC. Irrespective of whether the aggrieved person opts to initiate criminal proceedings under the IPC, the ICC shall be bound to initiate and conduct proceedings as laid out under this Policy. The ICC will maintain a register / record to endorse the complaint received by it. The contents of the register shall be kept confidential and shared only for related purposes. Any employee may lodge a complaint of sexual harassment against any other employee to the chairperson or to any member of the relevant complaints committee.

6. Formal Complaint Procedures for Resolution, Settlement or Prosecution of acts of Sexual harassment:

Where it is proposed to hold an inquiry against the respondent, the ICC with help of HR shall draw up a formal charge sheet containing the definite and distinct articles of charge which shall include:

- A) Statement of all relevant facts including copy of the complaint
- B) Supporting documents by which and / or a list of witnesses by whom the article of charge are proposed to be sustained.

The ICC shall hand over the statement of charges to the person against whom complaint is made within 7 working days and give him / her opportunity to submit a written explanation if he / she so desires within 10 days of receipt of the same. ICC shall have right to terminate inquiry proceedings or issue ex-parte decision in the complaint if the aggrieved person and / or respondent without sufficient cause fail to present themselves before the ICC for three consecutive hearings convened by the ICC. Such decision can be taken by the ICC by giving notice of 15 days in advance.

7. Inquiry Steps

- ➤ The ICC will organise a meeting with the aggrieved person to enquire into the matter and intimate date, time, and place of enquiry to all relevant persons.
- ➤ At the commencement of the inquiry the ICC members shall explain to both the aggrieved person and the respondent the procedure which will be followed in the Inquiry. The enquiry shall be conducted in line with the principles of natural justice.
- ➤ At the first meeting, the ICC members shall hear the aggrieved person and record the complaint. The aggrieved person can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate the complaint.
- ➤ Thereafter, the respondent shall be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation. It shall be recorded by the Committee.

- > The aggrieved person shall be provided with a copy of the written explanation submitted by the respondent.
- ➤ If the aggrieved person or the respondent desires any witness/es to be called, they shall communicate in writing to the committee the names of witness/es that they propose to call. The Committee shall call upon witnesses mentioned by both the parties after ascertaining their relevance to the case.
- ➤ If the aggrieved person and respondent desire to tender any documents by way of evidence before the ICC, they shall supply original scanned/photocopy copies of such documents. Both shall affix their signature on the respective documents to certify these to be original copies.
- ➤ The ICC depending upon the situation and circumstances shall provide every reasonable opportunity to the complainant and to the respondent, for putting forward and defending their respective case in the best possible way via examination of witnesses and cross examination.
- ➤ The ICC is free to obtain / summon / enforce through the HR department and / or from the concerned department such information in the form of written communication, witnesses, previous records, and data of the concerned / relevant employees which may be helpful for the investigation. All employees and the organisation would cooperate in this regard. The committee can request external persons significant to the complaint to appear before it. The committee will have the right to ask any of the employees, vendors, contractors, agents, suppliers, consultants, retainers, probationers, trainees, apprentices or any such persons to appear before it.
- ➤ Respect of all the persons involved and confidentiality would be maintained throughout the investigation process. Likewise the complainant as well as the persons going through the process of an inquiry must maintain confidentiality of the matter.
- > The venue of the inquiry should as far as practicable and be as per the convenience of the aggrieved person.
- ➤ The enquiry shall be conducted in the language understood by the aggrieved person and the respondent but the same would be recorded in the official language i.e. English.
- All proceedings of the ICC will be recorded in writing. ICC and individuals shall endorse their respective statements as token of authenticity. In case of refusal to endorse the same by either party the endorsement shall be made by the presiding officer with appropriate remarks.
- > The conciliation process and inquiry will be done simultaneously and will be completed within 90 days.

8. Interim Recommendations by the ICC: (Relief to the Complainant)

During the course of the inquiry the ICC for that period may recommend to the Management on its own and / or at the written request of the aggrieved person

- (i) Transfer either the aggrieved person or the respondent,
- (ii) Grant leave to the aggrieved person up to 3 months (this leave would be in addition to the one is they are already entitled),
- (iii) Restrain the respondent from reporting on the work performance or confidential report of the aggrieved woman and assign the same to another officer,
- (iv) Restrain the transfer of the aggrieved woman to any other place if she does not opt for such transfer,

- (v) Issue a restraint order to warn the respondent that any attempt on his part, or by person(s) acting on his behalf, to contact or influence, or intimidate, or exert pressure on the complainant or witnesses may prove prejudicial to his case.
- (vi) Person charged with sexual harassment to be kept away from work/ or sent on transfer till the time such enquiry is completed to avoid tampering of documents, pressure on the witnesses and the aggrieved person.

9. Submission of Report:

- On completion of an inquiry a report would be submitted by the ICC to the Management for further action within 10 days.
- Mention facts and finding in details, information's and recommendations.
- > The ICC shall share a copy of the findings of the inquiry with the aggrieved person and the respondent.
- The report of the ICC shall be treated as an inquiry report on the basis of which a respondent can be awarded appropriate penalty by the Management.
- The employer or district officer is obliged to act on the recommendations within 60 days.

10. Report / Recommendation by ICC

When Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer.

- Action as per service rule
- Counselling
- Warning
- Written apology
- Bond of good behaviour
- Transfer
- Adverse remarks in the performance appraisal
- Stopping or withholding of increments/promotion
- Social work or community work.
- Demotion
- Suspension
- Termination the respondent.
- Deduction of compensation payable to the aggrieved woman from the wages of the respondent

The POSH Act also envisages payment of compensation to the aggrieved woman. The compensation payable shall be determined based on:

- 1. The mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
- 2. The loss in career opportunity due to the incident of sexual harassment;
- 3. Medical expenses incurred by the victim for physical/ psychiatric treatment;

4. The income and status of the alleged perpetrator; and Feasibility of such payment in lump sum or in installments.

In the event that the respondent fails to pay the aforesaid sum, ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer

ICC will recommend the above mentioned after considering and determining the totality of the circumstances.

The following should be practiced after a decision is taken;

- 1. ICC shall keep complete and accurate documentation of the complaint, its inquiry and the decision thereof. The incident would be documented in both the aggrieved person and the respondent's files with the full report of the ICC.
- **2.** The Management shall implement the interim recommendations of the ICC and send a report of the implementation to the ICC.
- **3.** In the event, the complaint does not fall under the purview of sexual harassment; the same would be dropped by the ICC after recording the reasons thereof.
- **4.** At any stage of the inquiry legal practitioners shall not be allowed to represent for any of the parties before the ICC.
- **5.** During the inquiry, a minimum of three members of the ICC including the Presiding Officer shall be present.

11. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

12. Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

13. Complaints Committee :

The Complaints Committee also known as Internal Complaint Committee (ICC) shall consist of a Chairperson (Woman) + 4 members (2 men and 2 women) as the core committee. Who shall investigate complaints of alleged sexual harassment and make recommendations to the appropriate Management Team.

A Quorum of three members is required to be present for the proceedings to be conducted in the Committee. The Quorum shall include the Chairperson, at least two members, out of which one Member shall be a woman.

No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee

Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.

In the Committee, not less than half of the number of members shall be women.

The Committee shall also have one person who is a nominee from a Non-Governmental Organization or any such person who is familiar with the subject of Sexual Harassment, as a third party Member.

14. Conciliation:

The purpose of the ICC is to resolve/redress the complaint of the aggrieved person. Hence, the first step by the ICC will be to make an attempt to resolve the raised issue through mutual discussion between the aggrieved person and the respondent. The mutual discussion will be considered based on the gravity of misconduct as construed by the aggrieved person and their consent to the adopt conciliation process.

On the request of the aggrieved person, within 30 working days after the 1st meeting, the ICC after making sure that the aggrieved person is not opting for conciliation under any force / threat will take steps towards settling the matter between the aggrieved person and the respondent. This will be done through the process of separate and joint meetings. Conciliation will be completed within 50 days of initiation of the conciliation process. During the process of conciliation the ICC will endeavour to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made basis of the conciliation.

The ICC will record the terms of settlement acceptable to the aggrieved person and the respondent and file a closure report with the HR department to take further action as recorded in the settlement. Copies of the settlement shall be provided to the aggrieved person and the respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The aggrieved person will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to the ICC.

Post the conciliation process, after the settlement is arrived, the ICC will not do further enquiry in the complaint. Reasonable follow up shall be maintained with the aggrieved person by the HR department / ICC. If the conciliation does not stop the behaviour and / or if any of the terms mentioned in the settlement are not complied with, the ICC shall proceed to impose such disciplinary action as it deems fit.

In case the complaint of sexual harassment is proven to be true, the accused person shall be subjected to strict disciplinary action, which may also lead to termination of employment.

In case the complaint registered is found to be frivolous or false or was made with a mischievous intention, the complainant shall be liable to face strict disciplinary action which may also lead to termination of employment.

Any employee who is a part of the investigations shall not be victimized or subject to any unfavorable treatment.

15. Confidentiality:

All employees should be aware that the privacy of the complainant and person accused of sexual harassment shall be kept strictly confidential.

All inquiries, complaints and investigations shall be treated confidentially. Information shall be revealed strictly on a need-to-know basis. However, the identity of the complainant is usually revealed to the accused and witnesses. All individuals contacted in connection with a complaint shall be counseled that any information pertaining to the complaint shall be held in strict confidence.

The individuals contacted shall be expected to not to reveal the names of the aggrieved person or the accused as also other details to anyone who is not related to the case without the prior written permission of the Complaints Committee and the Management Team. If the same is revealed without following the above mentioned procedure, strict disciplinary action shall be taken against the individual which may include suspension from work for up to four days without any privilege or leniency of any sort.

The administration shall review the findings with the complainant at the conclusion of its investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge, shall be taken to stop the harassment and prevent its reoccurrence. If the validity of the complaint cannot be determined, immediate and appropriate action shall be taken to assure that all parties are reacquainted with the sexual harassment policy and to avoid such barbaric incidents in the future.

I. Add-<u>SHe-Box:</u>

The Aggrieved Woman may also avail the services of the Sexual Harassment electronic Box (SHe-Box) which is an effort of Government of India to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganized, private or public sector, to facilitate the registration of complaint related to sexual harassment. Any

woman facing sexual harassment at workplace can register their complaint through the government of India portal. Once a complaint is submitted to the 'SHe-Box', it will be directly sent to the concerned authority having jurisdiction to take action into the matter.

II. PROTECTION AGAINST RETALIATION

Regardless of the outcome of the Complaint made in good faith, Employee lodging the Complaint and any person providing information as a witness will be protected from any form of retaliation. While dealing with Complaints of Sexual Harassment, the Committee shall ensure that the Complainant or the witness(es) are not victimized or discriminated against by the Accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the Accused against the Complainant while the investigation is in progress should be reported by the Complainant to the Committee as soon as possible. Disciplinary action will be taken by the management against any such person who indulge in such a violations.

III. DOCUMENTATION

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in the files of Complainant and the Accused's along with the full report of the Committee.

IV. APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made by Committee, may appeal to the Appellate Authority in accordance with the Act no later than 90 days from the date of recommendations being communicated.

V. OBLIGATION OF EMPLOYER/MANAGEMENT

The Group shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of the policy, constitution of Committee in accordance with the Policy and implementation of the recommendations made by Committee in an expeditious manner.

VI. <u>IMPLEMENTATION OF THIS POLICY</u>

The company will ensure that the Policy is widely disseminated to all relevant persons. The Policy will be published on its policy website and displayed in a conspicuous place in the Workplace. It will also be included in the staff handbook. All new Employees must be trained on the content of the Policy as part of their induction into the organization. Every year employees will require to attend a refresher training on the content of this Policy.

VII. OVERRIDING EFFECT

Notwithstanding anything stated elsewhere in this Policy, this Policy shall be subject to the provisions of the Act and rules made thereunder (including any amendments or re-enactments thereof).

Internal Complaint Committee Members at Mumbai Branch

Sr. No.	Name	Designation	Contact
1	Amita Naik	Assistant Manager HR	amita.naik@tamindia.com
2	Pranjali Banawalikar	Executive Assistant (Corporate)	pranjali@tamindia.com
3	Neha Gaurav Chamria	Company Secretary	neha.chamria@tamindia.com
4	Sonal Manjrekar	Junior Executive	mah_mum_sonal.manjrekar@tamindia.co m
5	Mitali Sanjay Padwal	Executive Strategy Group	mitali.padwal@tamindia.com
6	Ravindra Ratanjankar	COO, Head Of Vigilance, Procurement & Operations	ravi.ratanjankar@tamindia.com
7	Prasad Walawalkar	Sr. Vice President HR	prasad.walawalkar@tamindia.com
8	Jyoti Dadlani	External Member & POSH Trainer	jyoti@cerebroplanet.com

Chairperson : Amita Naik (Assistant Manager HR)

External Member: Jyoti Dadlani (POSH & Behavioral Trainer, Psychologist, NLP Practitioner)

Internal Complaint Committee Members at Baroda Branch

Sr. No.	Name	Designation	Contact
1	Maitri Shah	Executive - HR	maitri.shah@tamindia.com
2	Khanjan Panicker	Associate General Manager – Operations	khanjan.panicker@tamindia.com
3	Sanchita Das	Asst. Manager – Operations	sanchita.das@tamindia.com
4	Hetal Solanki	Asst. Manager – Operations	hetal.solanki@tamindia.com
5	Dhanashree Padhye	Asst. Manager – Operations	dhanashree.padhye@tamindia.com
6	Ravi Ratanjankar	COO, Head Of Vigilance, Procurement & Operations	ravi.ratanjankar@tamindia.com
7	Prasad Walawalkar	Sr. Vice President - HR	prasad.walawalkar@tamindia.com
8	Saju Sugathan	Director - HR	saju.sugathan@tamindia.com
9	Adv. Shital Upadhyay	Consultant - Legal	adv.shitalupadhyay@gmail.com

Chairperson: Maitri Shah (Executive HR)

Independent NGO representative is Adv. Shital Upadhyay

PROCESS FLOW

