



BLOOMBAY ENTERPRISES PRIVATE LIMITED

PREVENTION OF SEXUAL HARASSMENT POLICY

Introduction

“Bloombay Enterprises Private Limited” is committed to provide a work environment free from harassment. Harassment can seriously impact the morale and productivity of women employees. It raises fundamental question of safety when they are subjected to sexual harassment in the work place. “Bloombay Enterprises Private Limited” observes zero tolerance for sexual harassment in any form and offenders shall be subject to stringent action as per this policy and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (“Act”).

Objective

This policy is formulated to achieve the below objectives:

- To provide the guidelines for preventing inappropriate workplace behavior of sexual harassment.
- To encourage employees to adhere to their responsibilities of preventing and reporting such inappropriate conduct before it becomes severe or pervasive.
- To provide a timely and fair mechanism for handling and resolving of any such complaints.
- To ensure that employees are trained to perform their roles in relation to this policy.

Scope and Applicability

This policy is applicable to every employee who is working as:

- a) An Employee on “Bloombay Enterprises Private Limited” India payroll;
- b) Contractors engaged through direct and indirect contract and working out of any of the “Bloombay Enterprises Private Limited” premises and/or at any such client sites within India.
- c) As trainee with or without remuneration, apprentice.
- d) Notwithstanding anything contained herein above, to all the employees as may be determined by “Bloombay Enterprises Private Limited” from time to time, at its sole discretion, without any gender differentiation.

Explanation: It shall also cover the woman visitors, clients and woman candidates who appear for interview.

The policy covers all allegations of sexual harassment irrespective of whether such an act is alleged to have taken place within or outside “Bloombay Enterprises Private Limited” premises, arising out of or during the course of employment, including official travel, conferences, training programs, work assignments outside Bloombay Enterprises Private Limited premises, transportation provided by Bloombay Enterprises Private Limited.

Note: In case of any complaint against/by client or contract employees engaged through vendors, at least one of the parties to the complaint (either the Aggrieved Person or Respondent) should be within the scope of applicability mentioned above.

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Definitions

Aggrieved Woman: is a woman who alleges to have been subjected to any act of sexual harassment.

Respondent: is a person against whom a complaint of alleging sexual harassment has been made under this policy.

Complainant: is a person who is authorized to make complaint in terms of this policy.

Sexual Harassment:

- A. Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: -
- Physical contact and advances
 - Demand or request for sexual favors
 - Making sexually colored remarks
 - Showing pornography
 - Any other unwelcome physical, verbal or non – verbal contact of sexual nature
- B. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of Sexual Harassment may 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 of the person
 - Interference with work or creating an intimidating or offensive or hostile work environment for the person
 - Humiliating treatment affecting any person's health or safety
- C. Sexually harassing or offensive conduct in the workplace, by or against the employees, whether committed by supervisor, manager, peers or any other third party is strictly prohibited and unwarranted.

Complaint and redressal mechanism

Constitution Prevention of Sexual Harassment Committee (POSH Committee)

Bloombay Enterprises Private Limited, by order in writing, has constituted a committee known as Prevention of Sexual Harassment Committee ("POSH Committee") / "Internal Committee" to consider and redress the complaints of sexual harassment. POSH Committee shall consist of at least four members to be nominated by Bloombay Enterprises Private Limited, comprising of Presiding Officer who shall be a woman employed at a senior level, two or more employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, one member from Non – Governmental organizations or association committed to the cause of women or a person familiar with issues relating to sexual harassment. At least 50% of total members of POSH / Internal Committee shall be women.

The details of POSH / Internal Committee are provided in the Annexure A to this policy.

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Redressal Process

Logging Compliant

A complaint of sexual harassment at workplace shall be made in writing to POSH / Internal Committee within three months from the date of last incident. The Complainant shall submit six copies of the complaint along with supporting documents, names and addresses of the witnesses. In case where such complaint cannot be made in writing, POSH / Internal Committee shall render all reasonable assistance to the Complainant for making the complaint in writing.

POSH / Internal Committee can extend the time limit for filing the complaint for a period not exceeding three months in case it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the initial three months.

Who file a Compliant

Any Aggrieved Woman or group of Aggrieved Women can file a complaint to POSH / Internal Committee. However, in case Aggrieved Woman is unable to make a complaint, the following person can make complaint on behalf of Aggrieved Woman:

- In case of physical incapacity of Aggrieved Woman, any relative or friend or co-worker or any officer of National / State Women's Commission or any person with the knowledge of the incident subject to written consent of the Aggrieved Woman.
- In case of mental incapacity of Aggrieved Woman, any relative or friend or Special educator or qualified psychiatrist / psychologist or guardian or authority under whose case Aggrieved Woman is receiving treatment or any person with the knowledge of the incident jointly with any of the above.
- In case of death of Aggrieved Woman, her legal heir.
- For any other reason, any person with the knowledge of the incident subject to written consent of Aggrieved Woman.

Conciliation process

- POSH / Internal Committee, may, before initiating an inquiry, at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation. However, no monetary settlement shall be made as basis of conciliation.
- In case there is a settlement arrived at, POSH Committee shall record the settlement so arrived and forward the same to Bloombay Enterprises Private Limited to take action as specified in the recommendation. The copy of the settlement shall be provided by the POSH Committee to both Complainant and the Respondent. There shall be no further inquiry into the complaint in such cases.

Inquiry into Complaint

POSH / Internal Committee shall conduct the inquiry into the complaint made by the Complainant, if she chooses formal investigation. POSH / Internal Committee shall also conduct an inquiry in case the Complainant informs that the settlement arrived at during conciliation above has not been complied with by the Respondent.

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Basis the principles of natural justice, POSH / Internal Committee conduct the inquiry in following manner:

- POSH / Internal Committee shall send one copy of the complaint to the Respondent within seven days of receipt of the complaint and the Respondent shall file a reply to the complaint along with supporting documents within a period of 10 working days from the date of receipt of the copy of complaint.
- Both the parties shall appear in person to present their case and cannot be represented by any third party. During the course of inquiry, POSH / Internal Committee shall give an opportunity of being heard and a copy of the findings of POSH / Internal Committee shall be provided to both parties enabling them to make a representation before POSH / Internal Committee.
- For the purpose of making an inquiry, POSH Committee shall have power to:
 - i. Summon and enforce the attendance of any person and examine such person on oath;
 - ii. Require the discovery and production of documents; and
 - iii. Any other matter which may be prescribed under law.
- Ex parte Decision: POSH / Internal Committee shall have the right to terminate the inquiry proceedings or to give an ex parte order if the Complainant or Respondent fails to be present, without sufficient cause, for three consecutive hearings convened by POSH / Internal Committee. POSH / Internal Committee shall give an advance notice of fifteen days in writing to the party concerned before passing such termination/ex parte order.
- The inquiry process shall be completed within the period of ninety days from the date of receipt of the complaint.

Interim relief

During the pendency of an inquiry, on a written request made by the Aggrieved Woman, POSH / Internal Committee, may recommend to Bloombay Enterprises Private Limited to:

- i. Depute Aggrieved Woman or the Respondent to any other workplace/ location, or
- ii. Grant leave to Aggrieved Woman up to a period of three months in addition to the leaves Aggrieved Woman is entitled to, or
- iii. Grant such other relief to Aggrieved Woman as POSH / Internal Committee deems fit.

On such recommendations, Bloombay Enterprises Private Limited shall implement the recommendations and confirm to POSH / Internal Committee.

Report of the findings and recommendations by POSH / Internal Committee

- On completion of the inquiry, POSH Committee will provide a report of its findings to Bloombay Enterprises Private Limited within a period of 10 days from the completion of inquiry and such report must be available to the concerned parties.

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- If POSH / Internal Committee arrives at a conclusion that the allegation(s) against the Respondent has not been proved, it shall recommend to Bloombay Enterprises Private Limited that no action is required to be taken. However, if POSH / Internal Committee comes to the conclusion that the allegation(s) against the Respondent has been proved, it shall recommend Bloombay Enterprises Private Limited to take action in terms of the law and as per the policy of Bloombay Enterprises Private Limited against such Respondent which may include:
 - Written warning or reprimand,
 - Transfer or reassignment,
 - Removal of management authority or duties,
 - Suspension or termination
 - Withholding promotion or increment
 - Deduction of appropriate damages from the salary of the Respondent to be paid to the Complainant/Aggrieved Woman
 - Training or counseling to the Respondent
- The recommendations given by POSH / Internal Committee shall be implemented by Bloombay Enterprises Private Limited within a period of 60 days from the date of receiving such recommendations.

Sexual Harassment as Criminal Offence

If Aggrieved Woman chooses to file a criminal complaint in relation to the offences of sexual harassment under the provision of the Indian Penal code, Bloombay Enterprises Private Limited shall provide all assistance to Aggrieved Woman and Bloombay Enterprises Private Limited shall fully co-operate with the authorities in investigation. In case the respondent is not an employee or not in reach of Bloombay Enterprises Private Limited, Bloombay Enterprises Private Limited, at the request of woman, shall assist woman employee to lodge a police complaint.

Confidentiality

The proceedings under this policy, including the contents of complaint, identity, address of the Complainant, Respondent and witnesses, recommendations of POSH / Internal Committee and the action taken by Bloombay Enterprises Private Limited under this policy, shall always be kept confidential by Bloombay Enterprises Private Limited and the members of POSH / Internal Committee.

False or malicious complaint or false evidence

If POSH / Internal Committee reached at a conclusion that

- The Complainant has made a complaint against the Respondent, knowing it to be false, or
- If the Complainant or any other witness has provided any false or misleading evidence/document, POSH / Internal Committee shall recommend to Bloombay Enterprises Private Limited to take disciplinary action against such Complainant or witness as the case may be, which may include a written warning or reprimand, transfer or reassignment, removal of management authority or duties, suspension, termination of employment, withholding promotion or increment.

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Appeals

Any person (complainant / respondent) not satisfied by the recommendations of the committee may prefer an appeal in courts or as prescribed under "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013". Such an appeal has to be filed within ninety days of recommendations of the Committee.

Discretion

- Bloombay Enterprises Private Limited at its option, may change, delete, suspend or discontinue parts of the policy in its entirety, at anytime without prior notice.
- In case of inconsistency between the provisions of this policy and the Act or any other applicable law, the provisions of Act and such applicable law shall prevail.
- In the event of any dispute or ambiguity, interpretation of this policy shall be decided by Bloombay Enterprises Private Limited.
- Any act or conduct not covered under this policy shall be dealt under Bloombay Enterprises Private Limited code of conduct policy or any other policy as applicable or as deemed fit and proper by Bloombay Enterprises Private Limited in accordance with the principles of natural justice and fairness.

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Annexure A

Presiding Officer

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ICC Members

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External Committee Member

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