

# **POLICY ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION & REDRESSAL) Act, 2013 (“POSH Policy”)**

Induslynk Training Services Pvt. Ltd. Operating under brand name of Mercer Mettl (hereinafter referred to as “Mercer | Mettl”) is committed to providing a work environment that respects the safety and dignity of all colleagues and is free of any kind of sexual harassment violating basic human rights. This POSH Policy applies to every stakeholder associated directly or indirectly with Mercer Mettl. This policy is also in accordance with the principles laid down in the greater good – treat others with respect,. additionally, sexual harassment is a misconduct under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (“POSH Act”) and the Indian Penal Code and other applicable laws. In line with the Posh Act, this POSH Policy is applicable to women, however, complaints from other genders will be considered as per the guidance and principles of this POSH Policy and other applicable laws and policies by Mercer Mettl as mentioned below.

## **8.1 Definitions**

“Sexual Harassment” is defined as physical contact and advances or a demand or request for sexual favors or making sexually colored remarks or showing pornography or any other unwelcome physical, verbal or nonverbal conduct of sexual nature. Any of 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 present or future employment status
- Interference with work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety
- Hostile work environment
- Quid pro quo

**The behaviors associated with sexual harassment are explained in greater detail in The Greater Good. To summarize, these can be:**

- Unwelcome sexual advances offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, and/or displaying sexually suggestive objects, pictures, cartoons or posters

- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes
- Comments about an employee's body or dress
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations or sexually or otherwise offensive emails
- Touching, such as rubbing or massaging an individual's neck or shoulders, stroking someone's hair, or brushing against another's body
- Repeated requests for dates
- Sexually suggestive touching
- Grabbing, groping, kissing, fondling
- Sitting or gesturing sexually
- Offensive voice-mail messages, email messages or other electronic communications
- Visiting sites that could be deemed inappropriate to fellow employees, such as sites that depict pornographic and/or materials of a sexual nature
- Questions about one's sex life or experiences
- Physical conduct: touching, assault, impeding or blocking movements
- Humiliating treatment likely to affect one's health or safety
- Retaliation for making sexual harassment reports or threatening to report sexual harassment
- Any other conduct or behavior deemed inappropriate by the Company.

**Prohibited discrimination and/or harassment by employees or others include(s) behavior such as:**

- Verbal conduct such as epithets, derogatory comments, jokes or slurs based on an individual's membership in a protected category.
- Visual conduct such as derogatory posters, photography, cartoons, screensavers, drawings, or gestures based on an individual's membership in a protected category.
- Visiting internet sites that could be deemed inappropriate by fellow employees. Examples of sites in this category would be ones that contain offensive comments, jokes and/or radical political viewpoints based on a protected category, vulgar or obscene contents
- Sending emails or other electronic communications that contain discriminatory and/or harassing content based on a protected category.

- Using social media (e.g., Facebook, Twitter) to discriminate and/or harass an employee, vendor or client
- Retaliation for making discrimination and/or harassment reports or threatening to report discrimination and/or harassment.

“Aggrieved Woman” means a woman of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

“Respondent” means a person against whom the aggrieved employee has made a complaint as per the requirements of this policy.

“Employee” means a person employed with the workplace for any work on a regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or without the knowledge of the Principal employer, whether 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 or called by any other such name.

“Internal Committee” (IC) is the committee constituted at Mercer | Mettl (Refer Annexure 1)

Workplaces include the Mercer | Mettl premises and any place visited by the employee arising out of or during the course of employment, including online platforms, transportation provided by Mercer | Mettl for undertaking such journey.

## 8.2 Applicability

These guidelines are applicable to every employee.

## 8.3 Objective

- To ensure accordance with The Greater Good – Treat Others with Respect.
- Provide protection against sexual harassment of employees at the workplace, prevention, prohibition and redressal of complaints of and for matters connected therewith or incidents thereto.
- Prevention of any violation of the fundamental rights of an employee to equality and their right to life and dignity which includes a right to a safe environment free from sexual harassment.

## 8.4 Internal Committee (IC)

- A cross-functional IC has been constituted on a zonal basis to hear and address complaints of sexual harassment.

- Lists with names and details of all the IC members (Annexure 1) are displayed at conspicuous places in various facilities, along with the penal consequences of sexual harassment so that these are easily accessible to employees.

## 8.5 Redressal Mechanism

- An “Aggrieved Woman” may file a written complaint of sexual harassment within a period of three months from the date of the incident and in case of a series of incidents, within a period of three months from the date of the last incident. This limit may be extended to another three months if the “Complainant” can prove that grave circumstances prevented them from filing a complaint previously.
- Complainant who may be unwilling to register a complaint would be advised by the IC to write a complaint. If an Aggrieved Woman has reached out to the manager or a fellow colleague, such personnel can inform the IC and keep the matter confidential.
- The Complainant shall submit a written complaint along with supporting documents and names and addresses of witnesses and colleague(s), if any. In a situation where the Aggrieved Woman is unable to register a complaint on account of their physical or mental incapacity or death or otherwise, their legal heir or such other person as may be prescribed may register a complaint.
- On receipt of the complaint, the IC must send a copy of the complaint received from the Complainant to the Respondent within seven working days.
- The Respondent shall file their reply to the complaint within a period of 10 working days from the date of receipt of copy of complaints along with a list of documents and names and addresses of witnesses and colleague(s), if any.
- The Respondent shall be provided a fair opportunity to participate in the inquiry and defend themselves.
- Complainant may request conciliation if they wish.
- The IC can take steps to settle the matter between the Complainant and the Respondent, upon Complainant’s request. Monetary settlement shall not be made the basis of conciliation. Where the settlement is arrived, the IC shall record the same, signed off from Complainant and Respondent, and share the signed copy with both parties and management.
- The IC is required to complete the inquiry within a time period of ninety days.
- The IC shall make an inquiry into the complaint in accordance with the principles of natural justice.
- During the inquiry, the complainant and the respondent shall be called separately to ensure freedom of expression and an atmosphere that is free of intimidation and hostility.
- IC will gather evidence, proofs, and record statements of the witnesses. The IC may meet outside the office premises for an ongoing case.

- On completion of the inquiry, a copy of the report, along with recommendations, is required to be submitted to the CEO and CHRO for taking action as recommended by IC.
- Upon completion of the investigation, both parties will be notified about the results of the investigation.
- The Management will act as per the IC report within sixty days of the IC submitting its report.
- The IC may recommend any suitable and justified action from warning to termination.
- IC can also recommend the deduction of an appropriate sum from the salary of the respondent or ask the respondent to pay the sum. In case the respondent fails to pay the sum, appropriate government authorities may be asked to recover such sum.
- In case of malicious or false complaints and false evidence, appropriate action will be taken against the Complainant as per POSH Act and applicable company policies.
- Records must be maintained of all the reported and investigated cases in a separate secure POSH Matters folder marked sensitive with CHRO/HR leader under strict confidentiality obligations.

## **8.6 Responsibilities of IC**

- Ensure that the mechanism for registering complaints and redressal is safe, confidential, accessible and sensitive.
- Be alert to complaints of sexual harassment, conduct inquiries, provide assistance and redressal to the victims, recommend penalties and initiate action against the harasser.
- If the Complainant desires and a prima facie case exists, assist in filing a police complaint, for registering the case under Section 509 of the Indian Penal Code.
- The IC has powers of a civil court and can: (a) Summon and enforce attendance of any person and examine him/her on oath; (b) ask for production of any document.
- Ensure that both parties are given an opportunity to be heard during the course of the inquiry.
- Make arrangements for appropriate psychological, emotional and physical support (in the form of counseling, security and other assistance) to the victim if they desire.
- Where information is recorded or stored by means of a mechanical, electronic or other device, the IC shall produce the same or produce a clear reproduction in writing of the information.
- Where the documents or information are produced before the IC, the IC may:
  - Take possession of the documents and make copies or take extracts therefrom.
  - Retain the possession of the documents for such period as may be deemed necessary for the inquiry.
- In the case of a pending inquiry, the IC, on a request made by the Complainant, may recommend to the HR Leader to during the case:

- transfer the complainant or the respondent to any other shift or office.
- Grant leave to the complainant for up to a period of three months. These leaves will be additional leaves to the eligible quota of leaves.
- Grant such other relief to the complainant as may be prescribed. The 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 reason to be present in 3 consecutive hearings convened for the purpose. Such decision will be taken after giving a notice in writing, fifteen days in advance to the party concerned. If at any stage the IC determines that a complaint may be of harassment (gender/general or others) but NOT Sexual Harassment, the IC may refer the matter to applicable policy and committee for further process.

## **8.7 Additional Provisions**

- Mercer | Mettl prohibits retaliation against anyone filing a complaint or being part of the case as a witness. Cases of defamation will not be entertained post or during a POSH case.
- Management and HR to ensure that Complainant, Respondent, witnesses, IC members are not discriminated or victimized in any manner.
- Neither party are allowed legal counsel for POSH cases as per POSH Act.
- Mercer Mettl upon Complainant/ Respondent request, or upon IC's direction arrange for counseling in such matters
- Witnesses may be kept anonymous upon request in the IC Report.
- IC and HR team will work together to ensure that neither Respondent and/or Complainant are influencing witnesses/ IC members, tampering evidences etc.
- If the Complainant wishes to opt for other remedies like police complaint, IC and company to provide assistance and cooperation.
- If Complainant or Respondent feels unsatisfied with the outcome of the redressal mechanism and IC report/actions, he/she may file an appeal within 60 days as per POSH Act.
- Notwithstanding anything contained in the Right to Information Act 2005, the contents of the complaint made, names of parties involved, any information relating to settlement, inquiry proceedings, IC recommendation shall not be published, communicated or made known to the public in any manner whatsoever.

## **8.8 Sexual Harassment Complaint from Other Genders (except women)**

**Not Peer Reviewed**

This policy extends to all employees across all our locations and is deemed incorporated in our COC/handbook. Though under the POSH Act the protection and redressal mechanism is applicable to women only, the organization policy extends protection to all genders. The redressal mechanism remains the same. It is to be noted that POSH Act is for women (including transgender women), the execution of order/action/recommendation for complaints where Complainant is woman will be handled under POSH Act. The execution of order/action/recommendation/committee for complaints from other genders will be done under disciplinary policy in line with COC/HANDBOOK/GREATER GOOD.

## 8.9

## Annexure

Name	Role in IC Committee	Email ID
TRIPTI KUMAR	PRESIDING OFFICER	
NIDHI MATHUR	EXTERNAL MEMBER	
TARUN GIRDHAR	MEMBER	<a href="mailto:posh-metl@mercer.com">posh-metl@mercer.com</a>
RADHIKA KATYAL	MEMBER	
SUPREET KAUR	MEMBER	
AMREEK SINGH PANESAR	MEMBER	
VASUNDHARA SINGH	MEMBER	
AMIT PAL SINGH	MEMBER	
ALEX KANIANTHARA	MEMBER	
DEEPTI NAMJOSHI	MEMBER	<a href="mailto:posh-metl@mercer.com">posh-metl@mercer.com</a>
ALEX KANIANTHARA	MEMBER	
DEEPTI NAMJOSHI	MEMBER	
RUCHI NARULA	MEMBER	
DHANUR OBEROI	MEMBER	
SHIPRA RANI	MEMBER	