

Prevention of Sexual Harassment (PoSH) Policy

Nature of Document

Confidential	
Internal	✓
Public	

Revision History

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1	PoSH Guidelines	Dr. Neha Bhopatkar	Mr. Pankaj Agrawal	NA	April 19, 2023
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1. Introduction

KC Overseas is an equal-opportunity company and is committed to creating a healthy working environment by ensuring fairness that enables team members to work without fear of prejudice, gender bias, and sexual harassment. All the team members of the company have the right to be treated with dignity and respect. Sexual harassment is a grave offence and is therefore punishable.

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013" and rules framed thereunder (hereinafter "the Act"). Accordingly, while policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In the event of any conflict between policy and the law, the law will always prevail.

2. Objectives

To uphold right to protection against sexual harassment and the right to livelihood.

- 2.1 To set forth the expectations of conduct and mutual respect regarding sexual harassment.
- 2.2 To evolve an effective mechanism for the prevention, prohibition, and redressal of sexual harassment of team members at the workplace or in the course of official duties with the organisation.
- 2.3 To promote an environment that will raise awareness about and deter acts of sexual harassment of team members.
- 2.4 To ensure implementation of the policy by taking all necessary and reasonable steps including but not limited to the constitution of appropriate committees for the purpose of gender sensitisation and conducting enquiries into complaints of sexual harassment.
- 2.5 To uphold the commitment of the organization to provide an environment that is free from discrimination and violence.

3. Applicability and Scope

- 3.1 KC Overseas aims to adopt a zero-tolerance approach to any kind of sexual harassment.
- 3.2 This policy is applicable to all KC Overseas Education team members, whether permanent or temporary, probationary, or part-time, working as a consultant or on a voluntary basis, or engaged through a contractor or agent, including employees at KCOEPL's regional offices or centers across the globe.

Where Sexual Harassment occurs with any female employee as a result of an act by a third party or outsider while on official duty, KCOEPL will take all necessary and

reasonable steps, as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider. This policy shall be applicable to any allegation of sexual harassment at KCOEPL premises, including any workplace visited by an employee arising out of or during the course of employment and/or transportation provided by KCOEPL

3.3 Sexual harassment includes, but is not limited to, any one or more of the following unwanted acts or behaviours (directly or indirectly) that could make the person being harassed, feel uncomfortable or embarrassed.

- Unwelcome sexual advances involving verbal, non-verbal or physical conduct, implicit or explicit.
- Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and/or implicit sexual connotation/overtones, molestation.
- Teasing, voyeurism, innuendos, and taunts with implicit sexual connotation, physical confinement and/or touching against one's will.
- Demand or request for sexual favours.
- Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body.
- Display of images, signs, and other items with a sexual nature, connotation, or overtones in the workplace or work-related area.
- Showing pornography, making or posting vulgar/indecent/sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
- Repeatedly asking to socialise during off-duty hours or continued expressions of sexual interest against a person's wishes.
- Giving gifts or leaving objects that are sexually suggestive.
- Teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person
 - Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.

3.4 The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour 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 current or prospective employment status.
- Interference with the person's work or creating an intimidating or offensive or
- Interference with the person's work or creating an intimidating, offensive, or hostile work environment; or humiliating treatment likely to affect health or safety.

3.5 An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved person.

4. Definitions

- 4.1 Sexual Harassment- Harassment of a female or male team member is defined as any unwelcoming sexually determined behaviour, whether directly or indirectly, by any female or male in charge of management or a female or male co-worker, either individually or in association with other people, to exploit the sexuality of the co-worker in a way that prevents or impacts her/his full utilisation of benefits, facilities, or opportunities, or any other behaviour that is generally considered as derogatory
- 4.2 Aggrieved person- Any team member of KC Overseas or any team member, of any age, who alleges to have been subjected to any act of sexual harassment at the workplace.
- 4.3 Respondent- A person against whom a complaint of sexual harassment has been made by the aggrieved member.
- 4.4 Employer- A person responsible for management, supervision and control of the workplace
- 4.5 Internal Complaint Committee (ICC) - A committee constituted by the Board of KC Overseas as per the provisions of the Act.

5. Responsibilities

- 5.1 Responsibility of team members- It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
 - Refusing to participate in any activity that constitutes harassment.
 - Supporting the person to reject unwelcome behaviour.
 - Acting as a witness if the person being harassed decides to lodge a complaint. All the team members are encouraged to advise others about the behaviour that is unwelcome.
- 5.2 Responsibilities of Managers: All managers must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all team members understand that harassment will not be tolerated, that complaints will be taken seriously, and that the complainant, respondent/s, or witnesses are not put on the spot or troubled in any way.

6. PoSH Committee

A committee has been constituted to consider and redress the complaints of sexual harassment. The names of the committee members are given in Annexure A.

Presiding Officer

Ethics Officer

Ethics Officer

Process Owner & Coordinator

Member

NGO Member

A quorum of three members is required to be present for the proceedings to take place. The quorum shall include the HR Manager/Presiding Officer and at least two members. The committee shall have 50% female members.

The Committee will be responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting an inquiry as per established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate actions
- Maintaining strict confidentiality throughout the process as per established guidelines.
- Submitting annual reports in the prescribed format.

7. Redressal and Enquiry Process

7.1 Informal way of dealing with complaints of sexual harassment:

7.1.1 An informal approach to resolving a complaint of sexual harassment can be achieved through mediation between the parties involved and by providing advice and counselling on a strictly confidential basis. This procedure, though less stringent than formal procedure, will be conducted in the full spirit of this policy document and in a confidential manner.

7.1.2 The choice of whether to deal with the complaint in the informal way or through the formal mechanism will depend entirely on the complainant. If the complainant wants the grievance to be handled through the formal mechanism, the complaint must be made in writing, unless the complainant can give the ICC a good reason why the complaint shouldn't be put in writing.

7.2 Formal enquiry process of dealing with complaints of sexual harassment:

7.2.1 Any team member who feels or is being sexually harassed directly or indirectly may make a formal written complaint of the alleged incident to the ICC within 3 months, but we highly recommend notifying such cases as soon as possible after the occurrence of the incident.

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- 7.2.2 ICC will maintain a record in a file about the complaints received and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
 - 7.2.3 ICC will hold a meeting with the complainant within 5 (five) working days of the receipt of the complaint, but no later than 10 (ten) working days in any case. If the Chairman of ICC is travelling at the time, another person may be appointed as the Chairman.
 - 7.2.4 At the first meeting, ICC will hear the complainant and record her/his allegations. The complainant can also submit any corroborative material with documentary proof, oral or written material, etc., to substantiate his/her complaint.
 - 7.2.5 The person against whom a complaint is made will then be called for a meeting before the ICC and an opportunity will be given to her/him to give an explanation.
 - 7.2.6 If the complainant or the person against whom a complaint is filed wishes to present documents or other materials as evidence before the ICC, she/he must provide original copies of such documents and materials. To certify that the documents are original copies, the person submitting them must affix her/his signature to them.
 - 7.2.7 If the complainant or the person against whom a complaint is made desires any witness/es to be called, they shall communicate in writing to the ICC the names of witness/es whom they propose to call.
 - 7.2.8 ICC shall call upon all witnesses mentioned by both the parties. The witnesses shall be examined in the presence of both parties.
 - 7.2.9 ICC shall provide every reasonable opportunity to the complainant and to the person against whom the complaint is made, to put forward and defend their respective cases.
 - 7.2.10 ICC shall complete the enquiry within a reasonable period but not beyond three months and communicate its findings and its recommendations for action to the managing director and to the board of directors of the company.
 - 7.2.11 The managing director/Board will direct appropriate action in accordance with the recommendation proposed by ICC. On the basis of the enquiry report, the erring team member can be given appropriate punishment straightaway.
 - 7.2.12 ICC shall be governed by the Vishaka Guidelines and/or such rules as may be framed by the Supreme Court orders, or any other legislation enacted from time to time.
 - 7.2.13 In the event that the complaint does not fall under the purview of sexual harassment, or the complaint does not mean an offence of sexual harassment, the enquiry shall be concluded after recording the reasons thereof.

7.3 Criminal Proceedings

If ICC finds the degree of offence punishable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the management, to make a police complaint.

7.4 False Complaint

If the complaint is found to be false and/or misleading, the complainant shall, if deemed fit, be liable for appropriate disciplinary action by the management.

7.5 Inquiry Report

On the completion of such an inquiry, the internal committee shall provide a report of its findings to the CEO within a period of 10 days from the date of completion of the enquiry, and such a report shall be made available to the concerned parties. The CEO shall act upon the recommendation within 60 days of its receipt.

In the event that the ICC arrives at the conclusion that there is no case for sexual harassment, then the complaint may be dropped by the ICC, and it shall notify the management of KCOEPL of the same.

8.0 Confidentiality

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by KCOEPL shall not be published, communicated or made known to the public, press or media in any manner.

9.0 Settlement of Grievance

9.1 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, within 90 days of the recommendations being communicated.

9.2 The management assurance

- The management shall provide all necessary assistance to ensure that this policy is fully, effectively, and quickly implemented.
- Complete confidentiality will be maintained throughout the process and thereafter.
- The prohibition of sexual harassment is included in the service and conduct rules of the company.
- Complainants or witnesses will not be treated unfairly or hurt in any way while the complaints are being looked into.
- As far as possible, care is taken to see that female colleagues, if sitting very late for official work, are escorted home or some arrangements are made for them to reach home safely.

- If any committee member is found guilty, the same process will be followed, and the alleged committee member will be replaced by any other senior member of KC Overseas.

9.3 Legal Compliance- The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- The number of sexual harassment complaints received in a given year
- The number of complaints resolved during the fiscal year
- Number of cases pending for more than 90 days.
- Number of workshops or awareness programmes against sexual harassment carried out
- Nature of action taken by the employer or district officer.

ANNEXURE A
A. Constitution of Internal Complaints Committee (ICC):

Sr No	Post of Committee Member	Role of Committee Member	Name	Designation	Mobile Number	Email ID
1	Presiding Officer	Presiding Officer	Ms. Usha Talreja	HR Manager	98710 94441	utalreja@kcoverseas.com
2	Member	Ethics Officer	Mr. Ketan Mehta	Executive Director, KC	98605 30220	ketan@kcoverseas.com
3	Member	Ethics Officer	Mr. Zubin Deboo	Executive Director, KC	96048 19861	zubin@kcoverseas.com
4	Member	Process Owner & Coordinator	Mr. Shivadeep Panjwani	AVP - HR	75664 96450	spanjwani@kcoverseas.com
5	Member	Member	Ms. Nisha Ingale	Senior Manager	86699 83157	ningale@kcoverseas.com
6	External Member	NGO Member	Dr. Meenal Sudhir Sangole	Principal - Deaf & Dumb School & Jr. College	99604 10716	meenal_sangole@rediffmail.com

B. The following representative co-opted into the ICC to cover the various locations of KCOEPL:
Sadar Office

Presiding Officer- Ms. Usha Talreja
 Ethics Officer- Mr. Vipin Mokadam
 Ethics Officer- Ms. Anvi Pujara
 Process Owner and coordinator – Mr. Shivadeep Panjwani
 Member – Ms. Nisha Ingale
 NGO Member- Ms. Meenal Sangole

Amravati Office

Presiding Officer- Ms. Usha Talreja
 Ethics Officer- Mr. Vipin Mokadam
 Ethics Officer- Ms. Anvi Pujara
 Process Owner and coordinator – Mr. Shivadeep Panjwani
 Member – Ms. Nisha Ingale
 NGO Member- Ms. Meenal Sangole

Sambhaji Nagar Office

Presiding Officer- Ms. Usha Talreja

Ethics Officer- Mr. Vipin Mokadam

Ethics Officer- Ms. Anvi Pujara

Process Owner and coordinator – Mr. Shivadeep Panjwani

Member – Ms. Nisha Ingale

NGO Member- Ms. Meenal Sangole

Hyderabad Office

Presiding Officer- Ms. Usha Talreja

Ethics Officer- Mr. Anant Dongre

Ethics Officer- Ms. Shital Kuhikar

Process Owner and coordinator- Mr. Shivadeep Panjwani

Member – Ms. Nisha Ingale

NGO Member- Ms. Meenal Sangole