

**POLICY FRAMED UNDER SEXUAL HARASSMENT OF
WOMEN AT WORKPLACE (PREVENTION, PROHIBITION
& REDRESSAL ACT), 2013**



INDIAN BROADCASTING FOUNDATION

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CIN: U74899DL1999NPL101705

1. BACKGROUND :

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [“Act”] is an act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

As per “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, an “Internal Complaints Committee” needs to be constituted along with laid down guidelines for redressal of complaint related to sexual harassment of Women at workplace.

Indian Broadcasting Foundation is an equal employment opportunity company and is committed of creating a healthy, safe and secure work environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company strongly believes in a work culture wherein all the employees have the right to be treated with dignity, fairness and respect. Sexual harassment at the workplace or other than workplace if involving employees is a grave offence and is, therefore, punishable.

2. OBJECTIVES :

- i. Sexual harassment at a workplace is considered violation of women’s right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women’s participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.
- ii. With more and more women joining the workforce, both in organized and unorganized sectors, ensuring an enabling working environment for women through legislation is felt imperative by the Government. The proposed legislation contains provisions to protect every woman from any act of sexual harassment irrespective of whether such woman is employed or not.
- iii. To comply with the provisions of the Act requiring all employers to develop and implement a policy for prevention of sexual harassment at the workplace
- iv. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the workplace.
- v. To follow and implement the Act enjoining all employers to constitute an “Internal Complaints Committee” and lay down guidelines for redressal of complaint related to sexual harassment of Women at the workplace.

3. SCOPE :

This Policy, shall be applicable to all employees of Indian Broadcasting Foundation, its subsidiaries and affiliates in India engaged currently and will be employed in future including those on deputation, Contract, Temporary, Trainee, Part-Time or Consultants (referred to as employee for policy) at all the Units or offices across India and shall also be applicable on any Branch that is established by the Company anytime in future in India. This Policy is effective w.e.f. 9 August 2016 and shall supersede any other previous policy in this regard.

4. CONDITIONS :

The “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- a) Physical contact and advances ;
- b) Demand or request for sexual favors ;
- c) Sexually colored remarks ;
- d) Showing pornography ; and
- e) Other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- f) Eve-teasing,
- g) Unsavory remarks,
- h) Jokes causing or likely to cause awkwardness or embarrassment,
- i) Innuendos and taunts,
- j) Gender based insults or sexist remarks,
- k) Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like,
- l) Touching or brushing against any part of the body and the like,
- m) Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings,
- n) Forcible physical touch or molestation and physical confinement against one's will and any other act likely to violate one's privacy.

The following circumstances, among other circumstances, if these occur or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- a) implied or explicit promise of preferential treatment in her employment; or
- b) implied or explicit threat of detrimental treatment in her employment; or
- c) implied or explicit threat about her present or future employment status; or
- d) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e) humiliating treatment likely to affect her health or safety.

5. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE :

A Complaints Committee consisting of four members has been constituted known as the “Internal Complaints Committee” for redressal of any such issues. The Internal Complaints Committee comprises of a senior level woman employee nominated as a Presiding Officer who is Human Resource Department representative, two employee representatives, having legal knowledge, and one non-employee member being committed to the cause of women/familiar with the issues related to sexual harassment. Half of Internal Complaint Committee members are women.

The quorum of the Internal Complaints Committee meeting shall be a minimum of 3 members [including one woman member] provided the presence of aforesaid Presiding Officer and the non-employee member will be mandatory and also at least half of the members present shall be women.

6. PROCEDURE :

- i. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident.
- ii. The Internal Complaints Committee before initiating an enquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation (provided that no monetary settlement shall be made as a basis of conciliation):-
 - o Where a settlement has been arrived, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the Final Authority to take action as specified in the recommendation.
 - o The Internal Complaints Committee, shall provide the copies of the settlement as recorded to the aggrieved woman and the respondents.
 - o Where a settlement is arrived, no further inquiry shall be conducted by the Internal Complaints Committee.
- iii. The Internal Complaints Committee, shall,
 - o Where the respondent is employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondents.
 - o Where both the parties are employees, the parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the committee.
 - o Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provision of section 15 of the Act, determination of compensation.
 - o For the purpose of making an inquiry , the Internal Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters:
 - Summoning and enforcing the attendance of any person and examining him on oath.
 - Requiring the discovery and production of documents, and
 - Any other matter which may be prescribed.
 - o The inquiry shall be completed within a period of ninety days.
 - o For a transparent and free inquiry, the Internal Complaints Committee, if it finds it necessary to do so, may suspend the respondent from participating in the affairs of the Company for such period as it thinks fit subject to approval of the Final Authority.

- o Where the complaint is made against any member of the Internal Complaints Committee, then such member will not participate in the proceedings of the inquiry or in any meeting of the committee, till the time inquiry is finished and the recommendation are made by the committee to the Final Authority.
- iv. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Complaints Committee may recommend certain actions to the Final Authority as per this Act and the Final Authority shall implement the recommendations and send the report of such implementation to the Internal Complaints Committee.
- v. On the completion of an inquiry under this Act, the Internal Complaints Committee shall provide a report of its findings to the Final Authority, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
 - o Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Final Authority that no action is required to be taken in this matter
 - o Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend certain action to the Final Authority as per this Act.
- vi. Where the Internal Complaints Committee arrives at a 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 Final Authority to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable.
- vii. Where the Internal Complaints Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable.
- viii. Any person aggrieved from the recommendations made by Internal Complaints Committee or non-implementation of such recommendations may prefer an appeal to the court in accordance with the provisions of the service rules applicable within a period of ninety days of the recommendations.

ix. For the purpose of this Policy, the Final Authority shall mean:

Complainant	Final Authority
Aggrieved woman who has reported an issue and is making a charge before the ICC	A person or a group with the power/right to take a conclusive decision/action with regard to the recommendations of this ICC post conclusion of investigation of charges by the Complainant. In this case the final authority shall rest with the Secretary General of IBF.

7. DUTIES OF EMPLOYER :

The Employer shall –

- i. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- ii. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Complaints Committee;
- iii. Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Complaints Committee in the manner as may be prescribed;
- iv. Provide necessary facilities to the Internal Complaints Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- v. Assist in securing the attendance of respondents and witnesses before the Internal Complaints Committee;
- vi. Make available such information to the Internal Complaints Committee, as it may require having regard to the complaint;
- vii. Provide assistance to the women if she so chooses to file a complaint in relation to the offence under Indian Penal Code (45 of 1860) or any other law for the time being in force;
- viii. Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place ;
- ix. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- x. Monitor the timely submission of reports by the Internal Complaints Committee.

8. ANNUAL REPORT :

The Internal Complaints Committee shall in each calendar year prepare and submit an annual report to the Final Authority which mentions the number of cases filed, if any, their disposal, number of cases pending for more than ninety days, number of awareness programs against sexual harassment carried out and nature of action taken by employer under the Act.

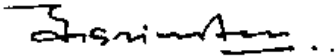
9. REVIEW:

This Policy can be reviewed by the Management of the Company on the recommendation of the Internal Complaints Committee.

10. NOTE:

- i. The copy of this Policy will be made available on the Company's Notice Board/ common server/paper form to create awareness among them about their rights against Sexual Harassment.
- ii. In case any member of the Internal Complaints Committee is found accused, the Internal Complaints Committee shall be reformulated immediately.
- iii. All the information received in respect of complaints, inquiry, recommendation or action to be taken shall be kept strictly confidential. All persons including the respondent, witnesses and members of the Internal Committee shall maintain strict confidentiality. Any person (including witnesses) who breach the confidentiality shall be subject to disciplinary action.

For Indian Broadcasting Foundation



Girish Srivastava
Secretary General

Dated: 09 August 2016

POLICY ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
(PREVENTION, PROHIBITION & REDRESSAL ACT), 2013

List of Annexures

1. List of Internal Complaints Committee members
2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules.