



The Sexual Harassment OF WOMEN AT WORKPLACE (Prevention, Prohibition and Redressal), ACT, 2013

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Policy Statement:

India's first legislation specifically addressing the issue of workplace sexual harassment, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act") was enacted by the Ministry of Women and Child Development, India in 2013.

In the spirit of providing equal opportunities to all employees, at Comic Con India Private Limited ("Comic Con") we strive to provide a work environment free of discrimination and harassment. We do not discriminate or allow discrimination/harassment on the basis of race, color, religion, disability, gender, age or any other legally protected status. The Company aims to provide a **safe working environment** and prohibits any form of **workplace and sexual harassment**. Hence, any act of workplace and sexual harassment or related retaliation against or by any associate is unacceptable. This policy, therefore, intends to prohibit such occurrences and also details procedures to follow when an associate believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding sexual harassment.

Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of policy and will be treated as per the guidelines of law. Comic Con will be free to register a police complaint against such false complainant.

All managers to ensure that they themselves as well as their team, including new joiners, are aware of the Policy on Prevention of Sexual Harassment in place and strictly adhere to it.

Company will promptly investigate all complaints and take appropriate action, up to and including termination of employment.

ACRONYMS

Term/ Acronym	Explanation
HR	Human Resources
NGO	Non-Governmental Organization
RM	Reporting Manager
POSH	Prevention of Sexual Harassment

APPLICABILITY

This policy will extend to all associates of the Company including those employed on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, whether for the remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied (hereinafter referred to as —Associates).

The policy also extends to those who are not employees of the Company, such as customers, visitors, Volunteers, vendors, suppliers, contract workers, probationers, trainees, apprentice, or called by any other such name, but are subjected to sexual harassment at the workplace of the Company.

DEFINITIONS

— Aggrieved Associate|| means in relation to a workplace, any individual, of any age whether employed in the Company or not, who alleges to have been subjected to any act of Sexual Harassment by the associate of the Company.

—Employer means in any workplace, any person responsible for the management, supervision, and control of the Workplace.

Employee: The definition of an 'employee' under the POSH Act is fairly wide to cover regular, temporary, ad hoc employees, individuals engaged on a daily wage basis, either directly or through an agent, contract labourers, co-workers, probationers, trainees, and apprentices, with or without the knowledge of the principal employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

Workplace: As per the POSH Act, 'workplace' includes any place visited by the employee arising out of or during the course of employment, including but not limited to transportation provided by the employer for the purpose of commuting to and from the place of employment or for any other purpose.

Workplace Harassment: workplace harassment includes harassment based on an individual's sex, race, color, religion, disability, age, any other legally protected status etc.

Sexual harassment: It includes but in no manner limited to any unwelcome sexually determined behavior (direct or implied) such as physical contact and advances, unwelcome communications or invitations, demand or request for sexual favors, sexually cultured remarks, showing pornography, creating a hostile work environment and any other unwelcome —sexually determined behavior|| (physical, verbal or non-verbal conduct) of a sexual nature, if sexual favors are asked in exchange for any kind of special treatment on the job. Threatening an Associate about his/her present or future employment status if he/she does not consent to such sexual advances or a favor also amounts to sexual harassment. The act of 'asking' may either be verbal or implied and the 'sexual conduct' may be verbal or physical. But, in either case, it must be unwelcome

- Hostile environment sexual harassment may also include intimidating or harassing conduct that is directed at an individual, or a group of individuals
- It will also mean related retaliation, which includes marginalizing someone in the workplace with regard to his / her roles and responsibilities, socially ostracizing, intimidating someone physically, psychologically, and emotionally or someone close to or related to the victim, to the extent the humiliation or intimidation affects their health or safety.

INTERNAL COMPLAINTS COMMITTEE

The Company shall have an Internal Complaints Committee to specifically address any complaints of sexual harassment. The Committee will be constituted by the Company as per the law.

The Internal Complaints Committee shall comprise of the following members:

Presiding Officer Woman employed at a senior level at the workplace from amongst the employees.

Members: Not less than 2 members from amongst employees. Preferably committed to the cause of women or who have had experience in social work or have legal knowledge.

External member from an NGO or association committed to the cause of women or person familiar with issues relating to sexual harassment.

At least one-half of the total members so nominated shall be women.

The term of the IC Members shall not exceed 3 years

A minimum of 3 Members of the IC, including the Presiding Officer, shall be present for conducting the inquiry.

The Presiding Officer and every Member of the Committee shall hold office for a period not exceeding three years, from the date of their nomination. Inclusion or removal of Committee Members shall be on the following grounds:

- contravention of the Policy or the legal provisions of the act; or
- has been convicted for an offence or an inquiry into an offence under any law for the time being in force in

pending against him; or

- has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- has so abused his positions as to render his continuance in office prejudicial to the public interest or

Provided that the same has to be approved by Company.

PROCEDURE FOR DEALING WITH COMPLAINTS

8.1

A WELL DRAFTED COMPLAINT

The complaint will be addressed to the IC members and not the employer. The complaint will be concise, i.e. it will be written in simple language which can be understood easily. Details of exact incident, date and time, witness etc. will be included. Circumstances preceding and following the incident will be recorded. Whether the complainant asked the respondent to desist from the unwelcome act(s). Append as many documents as possible in whatever format i.e. relevant e-mails, screenshots of SMS's/whatsapp messages, call details, photographs, recordings etc. Details of the respondent including name, designation, reporting structure between complainant and respondent if any (whether subordinate, colleague or superior). It will not state any fact that is false or incorrect. The relief that is sought from the employer.

8.1 COMPLAINT MECHANISM

- a. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted or send an email to posh@comicconindia.com within a period of **three** months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident: Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing: Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in-writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- b. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.

DECISION AND ACTION:

During the pendency of inquiry, on a written request made by the Aggrieved Associate, the Committee may recommend to the Company to -

- (a) transfer the Aggrieved Associate or the respondent to any other workplace; or
- (b) grant leave to the Aggrieved Associate; or
- (c) grant such other relief to the Aggrieved Associate as may be prescribed.

The leave granted to the Aggrieved Associate under this section shall be in addition to the leave he/she would be entitled to otherwise if the case is proved.

Once the investigation is completed, the Committee shall provide a report of its findings to the Company, **within ten days** from the date of completion of the inquiry and such report shall be made available to the concerned parties. The Company shall act upon the recommendation of the Committee within **sixty days** of receipt of the report of the Committee.

The Committee shall make a determination will be made regarding the validity of the harassment allegations. If it is

determined that the harassment has not occurred, it shall recommend to the Company that no action is required to be taken in this matter. If it is determined that harassment has occurred; prompt, remedial action will be taken. The Committee will share the investigation details and the findings thereof with the appropriate functional Head HR and agree on the applicable disciplinary action. This may include some or all of the following:

- Restore any lost terms, conditions or benefits of employment to the Aggrieved Associate.
- Discipline the respondent. This discipline can include deduction from the salary or wages the amount to be paid to the Aggrieved Associate, demotion, suspension, and termination.

The disciplinary action will be carried out by the concerned HR department. Such disciplinary action may even include transfer, demotion or termination. All related documents will be maintained in the associate's folder, ensuring confidentiality.

This policy shall not, however, be used to raise malicious complaints. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action which may include demotion, suspension or termination will be taken against the person raising the complaint.

The Presiding Officer will share the details of all complaints received and redressed with the Corporate Ombudsman on a quarterly basis.

As per the provisions of —The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of the Company or where no such report is required to be prepared, intimate such number of cases, if any, to the district officer.||

Conciliation:

Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

No monetary settlement can be made as a basis of conciliation.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation is to happen **within 2 weeks** of receipt of complaint.

The committee shall provide copies of the settlement to the complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

Timelines:

Written complaints (6 copies) along with supporting documents and names and addresses of witnesses have to be filed within 3 months of the date of the incident. Timeline extendable by another 3 months.

Upon receipt of the complaint, 1 copy of the complaint is to be sent to the respondent within 7 days.

Upon receipt of the copy of the complaint, the respondent is required to reply to the complaint along with a list of supporting documents, and names and addresses of witnesses within 10 working days.

The Inquiry has to be completed within a total of 90 days from the receipt of the complaint.

The Inquiry report has to be issued within 10 days from the date of completion of inquiry.

The employer is required to act on the recommendations of the IC within 60 days of receipt of the Inquiry report.

An appeal against the decision of the committee is allowed within 90 days from the date of the recommendations.

Punishment and compensation:

The following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment:

- ii. punishment prescribed under the service rules of the organization;
- iii. if the organization does not have service rules, disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service; and

Deduction of compensation payable to the aggrieved woman from the wages of the respondent.

For the purpose of determining the compensation to be paid to the Aggrieved Associate, the Committee shall have to regard the following:

- the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Associate;
- the loss in the career opportunity due to the incident of sexual harassment; medical expenses incurred by the victim for physical or psychiatric treatment;
- the income and financial status of the respondent; and
- feasibility of such payment in lump sum or in installments

Frivolous complaints:

If the IC concludes that the allegation made by the complainant is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry, disciplinary action in accordance with the service rules of the organisation can be taken against such complainant.

Where the organisation does not have service rules, the statute provides that disciplinary action such as written apology, a warning, a reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service may be taken. Inability to provide adequate proof need not mean that the complaint is false or malicious.

Confidentiality:

Recognizing the sensitivity attached to matters pertaining to sexual harassment, significant importance will be given to ensure that the complaint and connected information are kept confidential.

Dissemination of the contents of the complaint, the identity and addresses of the complainant, respondent, witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken to the public, press and media in any manner is prohibited. Disclosure of the justice secured could not only deter other individuals from engaging in acts of sexual harassment, but also instill in the minds of employees and public that the employer is serious about providing a safe work environment and zero tolerance for any form of sexual harassment at the workplace. Breach of the obligation to maintain confidentiality by a person entrusted with the duty to handle or deal with the complaint or conduct the inquiry, or make recommendations or take actions under the statute, is punishable in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, a fine of INR 5,000.

Employer's Duties and Obligations:

In addition to requiring an employer to set up an IC and ensure redressal of grievances of workplace harassment in a time bound manner, there are other obligations upon an employer which includes:

- a. Promoting a gender sensitive workplace and removing the underlying factors that contribute towards creating a

hostile working environment against women;

b. provide a safe working environment. To work effectively, all of us need a healthy and safe work environment. All forms of substance abuse as well as the use or distribution of drugs and alcohol while at work is prohibited. Employer should familiarize its employees with emergency procedures and the safety manuals.

c. declare the names and contact details of all members of the IC;

d. organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the IC;

e. provide necessary facilities to the IC for dealing with the complaint and conducting an inquiry;

f. cause to initiate action 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;

g. provide assistance to the aggrieved woman if she so chooses to file a complaint in relation to the offence under the IPC or any other law for the time being in force;

h. treat sexual harassment as a misconduct under the service rules and initiate action for misconduct;

i. prepare an annual report with details on the number of cases filed and their disposal and submit the same to the District Officer;

j. monitor the timely submission of reports by the IC.

RESPONSIBILITY OF EMPLOYEES:

The below is only an indicative list of basic Do's and Don'ts and is in no way intended to be construed as an exhaustive list.

Do's

- Know Comic Con's Policy on Prevention of Sexual Harassment
- Be aware of inappropriate behaviour and avoid the same.
- Say —NO if asked to go to places, do things or participate in situations that make you uncomfortable, especially after office hours.
- Trust your instincts. Walk away from uncomfortable situations.
- Say —NO to offensive behaviour as soon as it occurs and inform the HR of such unacceptable behavior immediately.
- Refrain from taking discriminatory actions or decisions that are contrary to the spirit of this policy.
- Maintain confidentiality regarding any aspect of an inquiry to which they may be party to.

Don't

Verbal harassment:

- Sexually suggestive comments or comments on physical attributes.
- Offensive language that insults or demeans a colleague, using terms of endearment.
- Singing or humming vulgar songs.
- Requests for sexual favours, sexual advances, coerced acts of a sexual nature.
- Requests for repeated pressure for social contact.
- Discussing sexual activities, sexual prowess or intruding on the privacy of an associate.
- Sexually colored propositions, insults or threats.

Nonverbal harassment:

- Offensive gestures, staring, leering or whistling with the intention to discomfort another.
- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by associates.
- Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at one's workplace.
- Showing or mailing pornographic posters, Internet sites, cartoons, drawings.
- Suggestive letters, phone calls, SMS, MMS, electronic instant messaging or e-mail messages.

Physical harassment:

- Physical contact or advances.
- Intentional touching of the body, e.g., Hugs, kisses, brushing, fondling, pinching etc. that make others uncomfortable.
- Any displays of affection that make others uncomfortable or are inappropriate at the workplace.

Committee to submit annual report:

The Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer.

Internal Committee:

Kindly submit your complaint in writing to posh@comicconindia.com