



B2R Technologies Pvt. Ltd.

PREVENTION OF SEXUAL HARASSMENT POLICY

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Prevention of Sexual Harassment Policy

1. Introduction:

B2R Technologies is committed to providing a place of work that is free from sexual harassment and all forms of intimidation or exploitation.

The company shall provide a healthy working environment that enables employees to work without fear of prejudice, gender bias, sexual harassment and all forms of intimidation or exploitation. The company believes that all stakeholders, irrespective of their gender, have the right to be treated with dignity.

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 the 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.

2. Objectives:

To set forth the expectations of conduct and mutual respect at the workplace with regards to prevention of sexual harassment at the process of inquiry and complaint redressal if these expectations are not met or violated.

To clearly establish that the company is committed to creating a work environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment.

To identify a workable definition of sexual harassment in the workplace, explain the process of complaint if sexual harassment occurs and emphasize that anyone engaging in harassing conduct will be subject to disciplinary action ranging from a warning to termination of service or legal action.

To outline the duties, responsibilities and rights of various stakeholders involved in the process.

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3. **Applicability:**

The policy is applicable to

- All employees of B2R
- All temporary employees, contract employees, trainees, service providers and visitors to the office/workplace/ office Guest House premises.

4. **Definition:**

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

Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- i. Physical contact and advances;
- ii. Demand or request for sexual favors;
- iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- vi. Giving gifts or leaving objects that are sexually suggestive;
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- viii. Persistent watching, following, contacting of a person; and
- ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

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The following circumstances if it occurs or is present in relation to any sexually determined act or behavior 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 status;
- Interference with the person’s work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect the person’s health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. 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.

5. Constitution of Complaints Committee:

Complaints of sexual harassment made by female employees shall be dealt with by the Internal Complaints Committee (“ICC”).

- i) The ICC should comprise of a Chairperson (compulsorily woman) and not less than half of its members should be women.
- ii) The chairperson of the committee should be a female employee at a senior level.
- iii) At least two employees who are members should be committed to the cause of women or have experience in social work or have legal knowledge.
- iv) One member should be from NGO/ associations committed to the cause of women and familiar with issues related to sexual harassment.
- v) Each centre at B2R shall have its own internal complaints committee.

The Internal Complaints Committee is responsible for:

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

6. Redressal Procedure and Mechanism:

a) For redressal of complaints made by a female employee:

- i. Complainant may submit a complaint in writing and inform any committee member of their centre.
- ii. Complaints must be made by the complainant to any of the Committee Member of the ICC within 3 months from the date of the incident.
- iii. The ICC may by reasons to be recorded in writing, extend the time period for making a complaint to a further period of 3 months;
- iv. All the complaints made by a female employee shall be forwarded to the ICC of the complainant's centre.
- v. The complaint can be made by the female complainant or any other person on behalf of the complainant (as set out in the following manner):

- In case of physical incapacity of the aggrieved woman, the complaint may be made by her relative, friend, co-worker or an officer of National Commission for Women or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved women/complainant.
- In case of mental incapacity of the aggrieved woman, a complaint may be made be filed by the relative/friend, special educator, psychologist, guardian or authority

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under whose care she is receiving treatment or care or any person who has knowledge of the incident jointly with the aggrieved woman.

vi. Complaints can be made in person/via phone/email/letter, to the Chairperson or any of the committee members. Any oral communication should be followed up with a written communication.

vii. If the employee is working outside the B2R office i.e. in client place, she may also lodge a complaint with the client's internal committee members and she will report that to B2R internal committee member of her centre.

viii. If the complaint has been made to the superior, he/she must immediately communicate the details to the committee members and also apprise the committee of any action taken, failing which the superior will be liable for penalty action.

ix. In case it is found that any employee has lodged a false complaint, after the enquiry, the ICC shall recommend to the management to take actions.

x. Every employee who threatens or intimidates any person who has made complaint under this policy or any witness thereof shall be liable for disciplinary actions.

b) Receiving a Complaint: Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint. The following points are kept in mind by the receiver of the complaint:

- Complaint are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation are not be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.

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- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.
- Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

c) Settlement of Complaint: Before initiating an inquiry on the Complaint, ICC may at the request of the Complainant take steps to settle the matter between her and the Respondent through conciliation, provided that monetary settlement shall not be made a basis of conciliation.

If a settlement has been arrived at, the ICC shall:

- Record the settlement and forward the same to the management to take action as specified in the recommendation; and
- Provide copies of the settlement as recorded to the Complainant and the Respondent and no further inquiry shall be conducted.

7. Inquiry of Complaint by ICC

- When a complaint is received by the ICC and the aggrieved woman/complainant opts for a formal recourse, the ICC members shall within 2 working days of receiving the complaint, interview both the parties and record findings of the incident (in case no settlement has been reached between the complainant and the respondent).
- While conducting the inquiry, a minimum of 3 members of the ICC including the Chairperson and External member shall be present.
- ICC members shall discuss the complaint and the report shall be submitted to the Chairperson for her to scrutinize the findings in support of complainant's contentions.
- The ICC shall give an opportunity of being heard and of making representations before the ICC to the respondent.
- Copy of findings shall be made available to both the employees (complainant and respondent), enabling them to make representations against the findings.

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vi. The ICC shall make inquiry into the complaint in accordance with principles of natural justice.

vii. Committee to document all investigations and findings in writing.

The ICC shall have the same powers as that of a Civil Court as per the provisions of the Civil Procedure Code, 1908, including the following:

- Summon and enforce the attendance of any person and examining him / her on oath
- Require discovery and production of documents; and
- Any other matter which may be prescribed

viii. At the time of filing the complaint, the complainant shall submit 6 (six) copies of complaints along with supporting documents and addresses of witnesses.

ix. ICC shall send copy of the complaint received from aggrieved woman to the respondent within 7 days of receiving such complaint.

x. The respondent shall file a reply to the complaint and supporting documents within 10 days of receiving the documents.

xi. The inquiry shall be completed within a period of ninety days

xii. The parties shall not be permitted to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

8. Termination:

The ICC may terminate the inquiry proceedings, if the complainant or the respondent fails to present herself/himself before the chairperson of the ICC for 3 consecutive hearings. A 15 days' notice shall be given for such termination/cancellation.

9. Action Pending Inquiry by ICC

During the pendency of an inquiry, on a written request made by the Complainant, ICC may recommend to the management to:

- a. Transfer the Complainant or the Respondent to any other workplace; or

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- b. Grant leave to the Complainant upto a period of three months (this leave shall be in addition to the leave she would be otherwise entitled); or
- c. Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report and assign the same to another supervisor.

On the receipt of recommendation from ICC, the management shall promptly implement the recommendations made and send the report of such implementation to ICC.

10. Inquiry Report

- a) All proceedings of the inquiry is documented. The ICC interviews the respondent separately and impartially. ICC states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.
- b) If the complainant or respondent desires to cross examine any witnesses, the ICC facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the ICC which asks them and records the statement of the other party.
- c) The inquiry procedure ensures absolute fairness to all parties.
- d) While preparing the findings/recommendations, following are to be considered:
 - Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
 - Whether the allegations or events follow logically and reasonably from the evidence.
 - Credibility of complainant, respondent, witnesses and evidence.

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- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent.
- Both parties have been given an opportunity of being heard.
- A copy of the proceedings is to be made available to both parties enabling them to make representation against the findings.
- A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

11. Recommendations by Internal Complaints Committee and Actions:

On completion of the inquiry proceedings:

- a. ICC shall provide a report of its findings to the management, within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- b. Where ICC arrives at a conclusion that the allegation against the Respondent has not been proved, it shall recommend to the management that no action is required to be taken in the matter;
- c. Where ICC arrives at a conclusion that the allegation against the Respondent has been proved, it shall recommend to the management :
 - i. To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent or, in the following manner including:
 - Written apology.
 - Warning.
 - Reprimand or censure.
 - Withholding of promotion.
 - Postponement or withholding or stoppage of increment, performance related pay or promotion or pay rise.
 - Demotion to a lower post or grade or to a lower stage in his incremental scale.
 - Suspension.

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- Termination of services.

ii. To deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or the wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to her legal heirs. For the purpose of determining the sums to be paid to the Complainant, ICC shall have regard to:

- The mental trauma, pain, suffering and emotional distress caused to the Complainant
- The loss in the career opportunity due to the incident of sexual harassment
- Medical expenses incurred by the Complainant for physical or psychiatric treatment
- The income and financial status of the Respondent
- Feasibility of such payment in lump sum or in installments

d. The management has to act upon the recommendation within 60 days of receipt of the same.

12. Malicious Complaint

Where the ICC arrives at the 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 employer to take action against the woman or the person making the complaint. The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the ICC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

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13. Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

However, information may be disseminated regarding the justice administered to any victim of sexual harassment, without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the victim and witnesses.

14. Protection Against Retaliation

Regardless of the outcome of the Complaint made in good faith, the Complainant and any person providing information or any witness, will be protected from any form of retaliation. While dealing with Complaints of sexual harassment, ICC shall ensure that the Complainant or the witness(es) are not victimized or discriminated against by the Respondent. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the Respondent against the Complainant while the inquiry is in progress should be reported by the Complainant to ICC as soon as possible. Disciplinary action will be taken by ICC against any such complaints which are found genuine.

15. Appeal

An aggrieved person may prefer an appeal under Section 18 of the Act to the appellate authority notified under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946, within a period of 90 days of the date of recommendations by the Internal Committee.

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Appendix

Details of members of Internal Complaints Committee:

B2R Orakhan:

S. No.	Name	Designation
1.	Ms. Manjari Relan	Presiding Officer
2.	Mr. Neeraj Logani	Member
3.	Ms. Anushka Choudhary	Member
4.	Mr. Pushkar Bisht	Member
5.	Ms. Puja Suyal	Member
6.	Ms. Lata Harbola	Member (CHIRAG - NGO)

B2R Letibunga:

S. No.	Name	Designation
1.	Ms. Manjari Relan	Presiding Officer
2.	Mr. Neeraj Logani	Member
3.	Ms. Anushka Choudhary	Member
4.	Mr. Deepak Joshi	Member
5.	Ms. Rama Bisht	Member
6.	Ms. Lata Harbola	Member (CHIRAG - NGO)

B2R Kausani

S. No.	Name	Designation
1.	Ms. Manjari Relan	Presiding Officer
2.	Mr. Neeraj Logani	Member
3.	Ms. Anushka Choudhary	Member
4.	Mr. Kundan Bisht	Member
5.	Ms. Savitri Bhakuni	Member
6.	Ms. Neema Vaishnav	Member (Laxmi Ashram - NGO)

B2R Organisational Committee (Covers WFH Employees of B2R and provides support, guidance and advise to B2R branch committees)

S. No.	Name	Designation
1.	Ms. Manjari Relan	Presiding Officer
2.	Mr. Neeraj Logani	Member
3.	Ms. Anushka Choudhary	Member
4.	Ms. Sanjana Bali	Member

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