



POLICY ON PREVENTION OF SEXUAL HARASSMENT



The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 also called as "POSH Act" was incorporated with an object of providing protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment.

Sexual harassment results in violation of the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and her rights to life and to live with dignity under Article 21 and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

The objective of this policy is to educate employees about what constitutes sexual harassment and to inform them of the company's internal policy around the prevention and redressal of complaints of sexual harassment and matters connected therewith.

The company has zero tolerance for any form of sexual harassment and will take disciplinary action against any offender found guilty of an offence under this policy.

WHAT CAN BE TERMED AS SEXUAL HARASSMENT AT WORKPLACE?

"Sexual Harassment" includes any one or more of the following unwelcome acts or behaviours (whether directly or implication) namely-

1. Physical contact and advance; or
2. A demand or request for sexual favours; or
3. Making sexually coloured remarks; or
4. Showing pornography; or
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further the following circumstances, among other circumstance, if occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

1. Implied or explicit promise of preferential treatment in her employment; or
2. Implied or explicit threat of detrimental treatment in her employment; or
3. Implied or explicit threat about her present or future employment status; or
4. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
5. Humiliating treatment likely to affect her health or safety.



“Workplace” includes any of company offices or premises and/or any place visited by the employee arising out of or during the course of employment, such as (including but not limited to): (i) transportation provided by or through company for undertaking a journey arising out of or during the course of employment; (ii) any meetings, webinars or discussions that are organized online through applications such as Zoom, Microsoft Teams, Google Meet, WebEx or any other online platform; or (iii) meetings, conferences, seminars, training sessions, workshops, or similar events organized by or through company.

“Employee” means a person employed at a Workplace for any work on a regular, temporary, ad hoc or daily wage 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.

CONSTITUTION OF INTERNAL COMMITTEE (IC):

1. Every employer of the Workplace shall constitute a committee called as “Internal Committee” under Section 4 of the Act.

2. The Internal Committee shall consist of the following members to be nominated by the employer, namely:

PRESIDING OFFICER Shall be a women employed at a senior level at Workplace amongst the Employees.

INTERNAL MEMBERS- At least two (2) members amongst Employees preferably committed to cause of women or who have experience in social work or have legal knowledge.

EXTERNAL MEMBER- One (1) member amongst non-governmental organizations or associations committed to the cause of women.

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

4. The presiding officer and every member of the Internal Committee shall hold office for such period not exceeding three (3) years.

5. Any vacancy in the Committee shall be filled by fresh nomination.

6. A person shall be disqualified for being appointed, elected, nominated or designated, or for continuing, as a member of the Internal Committee, for any period



of time during which there is any complaint concerning Sexual Harassment pending against him/her or if he/she is found guilty of Sexual Harassment.

7. The Internal Committee shall be constituted of the members, as set out by the company in Annexure A.

Powers of the Internal Committee

The Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, namely:

1. Summoning and enforcing the attendance of any person and examining him on oath;
2. Requiring the discovery and production of documents; and
3. Any other matter which may be prescribed.

RESPONSIBILITIES OF INTERNAL COMMITTEE

The Internal Committee shall:

1. Investigate every formal written complaint of Sexual Harassment.
2. Provide a reasonable opportunity to the aggrieved person and respondent for presenting and defending their respective case before the Internal Committee.
3. Initiate appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment.
4. Complete its inquiry within ninety (90) days of acceptance of the complaint.

COMPLAINT OF SEXUAL HARASSMENT

1. Any aggrieved women can make a complaint in writing about the Sexual Harassment at Workplace to Internal Committee, within a period of three (3) months from the date of incident and in case of a series of incidents, within a period of three (3) months from the date of last incident.

2. Where the aggrieved women is unable to make a complaint on account of her physical, mental incapacity or death or otherwise, her legal heir, or any other person as may be prescribed, may make a compliant.

3. The Internal Committee may, before initiating an inquiry under Section 11, and at the request of the aggrieved women take steps to settle the matter between her and the respondent through conciliation, provided that no monetary settlement can be the basis of conciliation.



4. If the matter is settled, the Internal Committee will take into records and forward the same to employer to take further action.

5. When settlement is arrived, no further inquiry shall be conducted by the Internal Committee.

CONCILIATION

In the event the complaint results in conciliation, the Internal Committee will get a conciliation agreement signed by the complainant and the accused party and close the complaint. If the conciliation agreement is violated by the accused party, the complainant can request the Internal Committee to initiate the enquiry into the complaint.

INQUIRY OF COMPLAINT

1. In case there is no request for conciliation or conciliation attempt fails, the Internal Committee shall proceed with the inquiry under the Act.

2. The Internal Committee will examine every complaint of Sexual Harassment as per the guidelines prescribed under the POSH Act and ensure that a fair and just investigation is undertaken. The Internal Committee is intended to be an independent, objective, and unbiased fact-finding body established to investigate any complaints of Sexual Harassment in a fair, reasonable, and time-bound manner in a neutral environment.

3. A copy of the complaint should be sent to accused within seven (7) days of receipt of complaint by aggrieved women and the accused shall submit his reply within ten (10) days from the receipt of the complaint.

4. The Internal Committee shall conduct the enquiry in accordance with principles of natural justice. It will broadly be governed by the following principles in conducting its proceedings:

1. The Internal Committee shall give every reasonable opportunity to the complainant and the accused party for putting forward and defending their respective cases and to ensure that the complainant and the accused party have full opportunity to present their claims, witnesses and evidence which may establish or substantiate their claims.
2. Both the complainant and the accused party shall have the right to submit supporting evidence and shall have the right to bring their respective witnesses, if any, to be examined by the Internal Committee.



3. If the complainant or the accused party fails, without sufficient cause, to be present before the Internal Committee for three (3) consecutive hearings, the Internal Committee will give a notice of fifteen (15) days to the concerned party before terminating the enquiry proceedings or giving an ex-parte decision on the complaint.
 4. If considered appropriate by the Internal Committee, all meetings of the Internal Committee including with the complainant, the accused party or any witnesses shall be held outside the relevant office and at a neutral venue.
 5. The complainant, the accused party or any of the witnesses are not permitted to bring legal representatives, attorneys, or family members for the enquiry proceedings before the Internal Committee.
 6. The complainant, the accused party, or any other person that the Internal Committee meets with, interacts with, or has a teleconference or video conference with, for the purpose of enquiry into any complaint of Sexual Harassment shall be bound by strict confidentiality, to the extent practicable, as described above and each such party shall not be permitted to discuss the Internal Committee proceedings with any third person.
 7. The Internal Committee will have the authority to summon any individual as a witness during the course of its enquiry. All witnesses will also be bound by strict confidentiality obligations, to the extent practicable.
 8. The Internal Committee, as previously mentioned, is required to complete the inquiry within a time period of ninety (90) days from the date on which the complaint is filed by the complainant.
5. The Internal Committee shall complete the enquiry and make a report of its findings on the complaint and its recommendations to the senior management of company within a period of ten (10) days from the conclusion of the enquiry procedure set out above.
6. Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, then it shall recommend to the employer that no action is required to be taken in this matter.
7. And if the committee arrives at the conclusion that the allegations are proved, then it shall recommend to the employer, the following remedial measures:
1. Written apology;
 2. Warning, reprimand, censure;
 3. Termination from service;
 4. Compensation deduction from the salary or wages of the perpetrator;



5. Withholding of promotion, withholding of pay rise or increments;
6. Undergoing a counselling session or carrying out community service; and/or
7. To deduct from salary or wages of the respondent such sum as the company may consider appropriate to be paid to the legal woman or heir.
8. Any other action as may be deemed appropriate by the Internal Committee.

In the event the complainant decides to pursue personal / criminal action against the accused, company shall provide all assistance and cooperation in any investigation by the relevant law enforcement agencies.

8. The employer shall act upon the recommendation within sixty (60) days of its receipt by the employer.

7. 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 a false complaint, then it may recommend the employer to take action against such woman or other person.

CONFIDENTIALITY

It is a mandatory requirement that all complaints of Sexual Harassment at work are subject to strictest confidentiality. Accordingly, the Internal Committee, the complainant, the accused party and any witnesses interviewed by the Internal Committee must maintain full confidentiality of all matters relating to the complaint as well as the enquiry proceedings, to the extent practicable and consistent with applicable law. Company shall ensure that this confidentiality obligation is enforced and any violation of the same results in appropriate action against the defaulting person.

Protection Against Victimization

1. In the event the accused party is the complainant's supervisor/superior, company shall, during the pendency of the complaint, ensure that the reporting relationship is suspended and that the complainant is not subject to appraisal by the accused party.

2. Company shall strictly prohibit any sort of retaliation against the complainant or any witnesses. Any act of reprisal, including internal interference, coercion and restraint, by the accused party, whether directly or indirectly, will result in appropriate action against the accused party by the company in consultation with the Internal Committee.



3. Where the accused party is not an Employee, during the pendency of the investigation of the complaint and even thereafter, if found guilty, the accused party shall not be allowed to enter any company premises except for the purpose of attending the Internal Committee proceedings.

4. In the event of the accused party and the complainant both being Employees of company, and the accused party is found to be guilty, irrespective of the penalty imposed, company shall ensure that the accused party shall not write the appraisal reports of the complainant, if he is otherwise so authorized.



**ANNEXURE A | CONSTITUTION OF INTERNAL COMMITTEE
FOR UNIT 1**

The Internal Committee shall be constituted of the following members as nominated by company:

S.No	Name of the Member	Designation	E-mail ID	Contact Number
1	Ms. M. Anbasi	Presiding Officer	anbarasi@butterflyindia.com	+91 87544 64047
2	Mr.G.Mahendran	External Member	gmahendranadv@yahoo.co.in	+91 99402 45645
3	Mr.S.Iyappan	Member	iyappan.s@butterflyindia.com	+91 96002 91154
4	Mrs.A.Reeta	Member		
5	Mrs.T.Thilagam	Member		
6	Mrs.R.Savithri	Member		
7	Mrs.S.Sasikala	Member		