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Description - Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal)Policy

Policy Number - CL/HR/18

Drafted by - HR

Approver – Alok Mehta

1. **Policy:** This policy is known as Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Policy made as per the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter refer “SHWW Act” and rules made therein.

2. **Applicability :** This policy shall be applicable to all employees of CL Educate Group of Companies including all branches/departments, deployed at the workplace either:

(i) on the rolls of the establishment/company; or

(ii) engaged through Contractor having any agreement with the establishment/company or as defined in clause (f) of section 2 of the SHWW Act.

3. **Objective:** Sexual harassment is not only a serious misconduct but also a criminal act, which seriously impacts on human dignity and freedom. This policy has been formulated keeping in view the provisions of SHWW Act, 2013 and its rules. The objective of the policy is to frame guidelines and define process, in conformity of SHWW Act & its rules, to be followed to prevent, prohibit and redress any act of sexual harassment of women at work place. To achieve its objective, this policy envisages that it shall be the duty of the

management of the company/establishment firstly to prevent and prohibit any act of sexual harassment of any woman and also to redress any reported act of sexual

harassment by way of considering the act of sexual harassment as a serious mis-conduct and taking appropriate action based on the recommendations of the inquiry committee.

4. Abbreviations and Definitions: In this policy, unless there is anything repugnant to the subject or context thereof, the words and expression as stated below shall have the following meanings:

(i) **Complainant:** Means any woman as defined in Section 2(a)(i) of SHWW Act, who alleges to have been subjected to any act of sexual harassment.

(ii) **Internal Complaint Committee** (to be referred as “ICC” hereinafter) – As composed under this policy.

(iii) **Employer:** Means Company’s Managing Director/Director/Manager or any other officer(s) as may be authorized by the Managing Director/Director.

(iv) **Respondent Employee (RE):** Means the employee against whom a complaint for sexual harassment has been lodged.

(v) **Sexual Harassment :** 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; or
- (b) A demand or request for sexual favours; or
- (c) Making sexually coloured remarks; or
- (d) Showing pornography; or
- (e) Any other unwelcome physical, verbal or non- verbal conduct of sexual nature.

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

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.

(vi) **Workplace:** Workplace means all offices, branches, workshop, work sites located at any place throughout India. Further, it also includes any place visited by an employee arising out of or during the course of employment. It also includes transports provided by the management of company/establishment to the employee(s) for undertaking any journey.

5. **Internal Complaint Committee** (hereinafter referred to as “ICC”) : The ICC shall comprise of the following:

CLE:

ICC Members

Presiding Officer - Sujatha Kshirsagar

External Officer - Nivedita Puggal

Member - Amitendra Kumar

Member - Abhilasha Swarup

CLIP:

ICC Members

Presiding Officer - Sujatha Kshirsagar

External Officer - Nivedita Puggal

Member - Charu Gupta

Member - Upendra Kumar Sharma

Presiding Officer and members of ICC shall hold office for a period of not exceeding three years, from the date of their nomination as specified by the management. ICC shall be governed by Section 4 of SHWW Act.

6. Procedure for Filing Complaint :

(a) The aggrieved woman should make a complaint within a period of 03 months from the date of occurrence of alleged incident or in case of a series of incidents, within a period of three months from the date of last incident. The complaint shall be made to ICC in writing and be sent either through post or given by hand

to ICC or any person authorized by ICC. However, ICC, if it is satisfied for the reasons to be recorded in writing, may accept a complaint even after lapse of three months.

(b) Where the aggrieved woman is unable to make a complaint due to her physical or mental incapacity or death or for any other reason, a complaint may be filed to ICC by her legal heir. Apart from the legal heirs a complaint can also be filed as mentioned below:

(i) When the aggrieved woman is unable to make a complaint on account of her physical incapacity: by her relative or friend or her co-worker; or an officer of the National Commission for Woman or State Women's Commission or any person who has knowledge of the incident with the written consent of the aggrieved woman;

(ii) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity: by her relative or friend; or a special educator; a qualified psychiatrist or psychologist; or the guardian or authority under whose care she is receiving treatment or care; or any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care.

(iii) Where the aggrieved woman is unable to make a complaint for any other reason, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

(iv) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of incident, with the written consent of her legal heir.

7. **Conciliation** – The ICC may, at the request of aggrieved woman, before initiating an inquiry may take steps to settle the matter between the aggrieved woman and the respondent employee. However, no monetary settlement shall be made by ICC. Where a

settlement has arrived, the ICC shall record the settlement and forward the same to the employer. ICC shall also provide a copy of settlement to the aggrieved woman and the respondent employee. No, further inquiry is to be conducted by ICC.

8. Inquiry into Complaint -

(i) If there does prima facie case exist and the respondent is an employee, the ICC shall proceed with the inquiry in accordance with the service rules of the establishment applicable to the respondent employee. In case, the respondent is not an employee, the ICC shall forward the complaint to the concerned police authorities.

(ii) In case of a settlement through conciliation, if the aggrieved woman reports that any term and condition of the settlement arrived between the parties has not been fulfilled by the respondent, ICC shall proceed to make an inquiry into the complaint.

(iii) At the time of filing a complaint, the complainant shall file a complaint in 06 copies alongwith supporting documents and names & addresses of the witnesses.

(iv) The ICC shall send a copy of complaint within a period of 07 working days.

(v) The respondent shall file his reply to the complaint alongwith his list of documents and name & addresses of witnesses within a period not exceeding 10 working days from the date of receipt of copy of complaint.

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

(vii) The ICC shall have the right to terminate the inquiry proceedings or to proceed ex-parte, if the complainant or respondent fails present without sufficient cause for three consecutive hearings of the ICC. However, such termination or ex-parte order may not be passed without giving a written notice to the concerned party in 15 days advance.

(viii) No party shall be allowed to bring in any legal practitioner to represent them before the ICC at any stage.

(ix) During any proceedings, minimum 03 members of the ICC must be present.

(x) Where both the parties are employees, the parties shall be given opportunity of being heard and a copy of findings shall be made available to both the parties.

(xi) For the purpose of conducting inquiry, ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

(xii) The ICC shall complete the inquiry within a period of 90 days.

9. Action during pendency of inquiry – During the pendency of an inquiry, on a written request made by the aggrieved woman, the ICC may recommend to the employer to :

- (a) Transfer the aggrieved woman or the respondent to any other workplace; or
- (b) Grant leave to the aggrieved woman upto a period of three months (this leave shall be in addition to her normal leave entitlement); or
- (c) Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer; or
- (d) Restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

10. Inquiry Report – On completion of the inquiry, the ICC shall provide a copy of its findings to the employer within a period of 10 days from the date of completion of inquiry. A copy of the report shall also be made available to the parties. Where the ICC has come to a conclusion that the allegations against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter. Where the ICC arrives at conclusion that the allegation against the respondent has been proved, it shall recommend to the employer as:

- (i) To take action for sexual harassment as a misconduct in accordance with the service rules/code of conduct policy of the establishment/company.
- (ii) To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of Sec. 15 of SHWW Act, 2013.
- (iii) In case the employer is unable to deduct any such sum from the salary of the respondent employee due to the reason of being absent from duty or leaving service, the ICC may direct the respondent to pay such sum to the aggrieved woman and in case the respondent fails to comply with the orders of the ICC, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

11. Punishment for false or malicious complaint and false evidence : Where the ICC comes to a conclusion that the allegations against the respondent are 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 aggrieved woman in accordance with Rule 9 of the Sexual

Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Also, if the ICC finds that any witness has given false evidence or produced forged documents, it may recommend to the employer to take action against such witness in accordance with Rule 9.

12. Prohibition of publication or making known contents of complaint and inquiry proceedings: Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and address of aggrieved woman, respondent and witnesses, any information relation to conciliation and inquiry proceedings, recommendations of ICC and action taken by the employer shall not be published, communicated or made known to the public, press or media in any manner. Any person found contravening

this provision shall be liable for penalty in accordance with the service rules/code of conduct of company.

13. Appeal : Any person aggrieved from the recommendations made by ICC either with respect to recommendations for taking action against respondent, or that the allegations not proved, or that the aggrieved woman filed a false and malicious complaint or any forged document, or that any person produced forged documents or that any person made known the details of complaint, aggrieved woman, respondent or witnesses or details of proceedings & recommendations or non-implementation of the recommendations of ICC, may prefer an appeal within a period of 90 days of such recommendations, to the appellate authority.

14. Responsibilities of Employer/Management : It shall be duty of the employer/management to :

(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 establishment/office, the penal consequences of sexual harassment; and the order constituting the ICC;

(iii) organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of Act and orientation programmes for the members of ICC;

- (iv) provide necessary facilities to the ICC for dealing with the complaint and conducting inquiry;
- (v) assist in securing the attendance of respondent and witnesses before ICC;
- (vi) make available such information to ICC which it may require for inquiring the complaint;
- (vii) provide assistance to the aggrieved woman, if she chooses to file a complaint under the provisions of Indian Penal Code or any other law for the time being in force;
- (viii) cause to initiate action under the provision of Indian Penal Code or any other law for time being in force, against the perpetrator, where the perpetrator is not an employee of the establishment and the sexual harassment took place at workplace;
- (ix) ICC will submit an annual report to the management and further the management will submit its report to Distt Officer.
- (x) To treat sexual harassment as misconduct under the code of conduct of the establishment and initiate action for such misconduct.
- (xi) Monitor the timely submission of reports by the ICC.

Disclaimer : Though all the precautions have been taken while formulating this policy to incorporate the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made therein, still all the concerned persons are advised to refer to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules.