

# THE ANTI- SEXUAL HARASSMENT POLICY



## 1. Preamble

- 1.1** The Government of India has made a law called “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013” which has come into force on 9<sup>th</sup> December, 2013; on prevention of sexual harassment against female employees at the workplace. Any person making unwelcome physical contact and explicit sexual overtures, demanding or requesting sexual favours, making sexually coloured remarks or showing pornography against the will of a woman shall be guilty of the offence of Sexual Harassment and Section 354A of the Indian Penal Code 1860 prescribes punishment for this offence, ranging from simple to rigorous imprisonment, for term one year to three years, or with fine, or with both.
- 1.2** Trade Wings Limited (‘the Company’) aims to provide a safe working environment and prohibits any form of sexual harassment. The Company is committed to create a safe and healthy working environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all its employees have the human right to be treated with dignity. Sexual Harassment at the work place or in the course of official duties, if involving employees of the Company shall be considered a grave offence, and is therefore punishable under the applicable laws.
- 1.3** Accordingly, the Company has formulated this Policy called as “The Anti – Sexual Harassment Policy” (“Policy”) to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. This policy intends to prohibit occurrences of any form of sexual harassment and also details procedures to follow when an employee 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 the policy.

Violation of this policy will call for strict disciplinary action up to and including termination.

- 1.4** This policy has been framed specifically in compliance with the requirements of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 1.5** This Policy seeks to assist individuals who believe they have been subjected to such behavior with appropriate support and remedial action.

## 2. Applicability

This policy will extend to all employees of the Company including those employed on contractual basis. The policy extends to those who are not employees of the Company, such as customers, visitors, suppliers, etc., subjected to sexual harassment at the Premises (defined hereinafter) of the Company.

### 3. Definitions

- 3.1** “Aggrieved Individual” means in relation to a workplace, an individual, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- 3.2** “Complainant” is any aggrieved individual who makes a complaint alleging sexual harassment under this policy.
- 3.3** “Employee” means a person employed with the Company for any work on 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.
- 3.4** “Respondent” means the person against whom the Complainant has made a complaint.
- 3.5** “Sexual Harassment” would mean and includes any or all of the following unwelcome acts or behavior (directly or implied) but not limited to:
- (i) Any unwelcome sexually determined behavior such as physical contact or advances, requests or demand for sexual favours, either explicitly or by implication, in return for employment, promotion, examination or evaluation of a person towards any company activity;
  - (ii) Any unwelcome sexual determined behavior involving verbal, non-verbal or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, SMS or email communication, gestures, showing of pornography, lewd stares, physical contact or molestation, stalking, sounds, display or pictures, signs, verbal or non-verbal communication which offend the individual’s sensibilities and affects his or her performance at the workplace;
  - (iii) eve-teasing, innuendos and taunts, physical confinement against one’s will and likely to intrude upon the individual’s privacy;
  - (iv) Any act of showing pornography or any other unwelcome physical verbal or non-verbal conduct of sexual nature; and
  - (v) Any act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other gender, such as presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; threat of detrimental treatment in employment; threat about present or future employment; interference with work or offensive work environment; or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation or humiliating treatment likely to affect the person’s health or safety.
- 3.6** “Workplace” means:
- (i) Premises, location, establishments, enterprises, institutions, offices, branches or units established, owned and controlled by the Company.
  - (ii) Places visited by the employee arising out of or during the course of employment including official events, transportation, and accommodation provided by the employer for undertaking such journey.

#### 4. Objective

- 4.1 To provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- 4.2 To uphold Women's' Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and Redressal of Sexual Harassment of Women;
- 4.3 To evolve an effective mechanism for the prevention, prohibition and redress of sexual harassment of employees at the work place or in the course of official duties with the Company.
- 4.4 To promote an environment that will raise awareness about and deter acts of sexual harassment of employees of the Company.
- 4.5 to ensure implementation of the Policy in letter and spirit by taking all necessary and reasonable steps including but not limited to constitution of appropriate Committees for purposes of gender sensitization and to conduct enquires into complaints of sexual harassment.
- 4.6 To uphold the commitment of the Company to provide an environment that is free from discrimination and violence against women.
- 4.7 To generate general awareness against sexual harassment of women at the workplace.

#### 5. Internal Complaints Committee/Complaint Redressal Committee

- 5.1 An Internal Complaints Committee (hereinafter called as 'the Committee') has been constituted by the Board of Directors of the Company to consider and redress complaints of Sexual Harassment under the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter called as 'Act') and as per the provision(s) of any other enactment, if any, for the time being in force in India and as per the Rules there in as per the notification issued by Ministry of Women and Child Development dated 9<sup>th</sup> December, 2013 (hereinafter called as 'Rule').

Such Committee will be implemented by Human Resource Department of the Company as per the provisions stated under the above mentioned Act with Rule thereunder as mentioned above.

The Chairman and Members of the Committee are as follows:

Mrs. Priti Chotrani- Chairperson

Mrs. Jacinta Nayagam - Member

Mr. Ramamurthy Vaidhyanathan- Member

Mrs. Zurica Pinto - Member

- 5.2 A Quorum of three members is required to be present for the proceedings to be conducted in the Committee. The Quorum shall include the Chairperson, at least two members, out of which one Member shall be a woman.

- 5.3** If in the Committee the member representing the category of the defendant is junior in the hierarchy of the Company to the defendant, then, for that particular enquiry that member shall be substituted on the Committee by another person, senior in rank to the defendant.
- 5.4** No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee.
- 5.5** Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.
- 5.6** In the Committee, not less than one half of the number of members shall be women.
- 5.7** Changes in the Members of the Committee, whenever necessary, shall be made as expeditiously as possible by the Board.
- 5.8** The Chairperson & every members of the Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified as stated in the Rule.
- 5.9** Where the Chairperson or any member of the Committee:
- (i) contravenes any provision of the Act read with Rule stated therein; or
  - (ii) has been convicted for an offence or an inquired into an offence under any law for the time being in force is pending against him; or
  - (iii) has been found guilty in any disciplinary proceedings or disciplinary proceeding is pending against him; or
  - (iv) has so abused his position as to render his continuance in office prejudicial to the public interest,
- as the case may be, shall be removed from such Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the Act.
- 5.10** For keeping good Governance in the Company, such Committee will prepare a quarterly / annually report of the Committee which will be submitted to the Company Secretary and Compliance Officer of the Company at the end of every year.

## 6. Reporting & Redressal Process

### 6.1 Filing of a Complaint

Any aggrieved employee, who is subjected to sexual harassment directly or indirectly, may submit a complaint in writing of the alleged incident to any or all the members of the Committee in writing with his/her signature within three months from the date of occurrence

of incident along with supporting and relevant details/proofs such as, physical copies of emails, recording, details of dates, places, witnesses, etc. The evidence submitted should be tamper proof.

Provided however that where such complaint cannot be made in writing, the Chairperson or any Member of the Internal Complaints Committee, as the case may be, shall render all reasonable assistance to the individual concerned for reducing the complaint in writing.

Where the aggrieved employee is unable to make complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir or such other person as may be prescribed may make a complaint with 3 months from the date of occurrence of incident.

The format in which the complaint is required to be made is annexed as Annexure I to this Policy. This form will be available with the Committee, Human Resource Department of the Company and also on the website of the Company ([www.tradewings.in](http://www.tradewings.in)). However, any written complaint received in any form other than the form prescribed in Annexure I shall also be accepted. The complaint can be submitted to the Committee electronically at [companysecy@twltravel.com](mailto:companysecy@twltravel.com) or may be physically submitted to any Committee member. The Committee may, but shall not be bound to, accept oral complaints under this Policy.

The filing of a complaint shall not ordinarily adversely affect the Complainant's status/job/salary/promotion, grades, etc. During the pendency of an enquiry and till the final determination of a complaint of sexual harassment under this Policy, the Company shall not alter the conditions of service of the Complainant/Witness/Supporter concerned to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this Policy.

The Company encourages prompt reporting of Sexual Harassment incidents so that timely and appropriate action may be taken. Nevertheless, considering the sensitivity of the issue and the emotional aspects that may arise, a delay may be considered favorably by the Committee provided the Complainant submits sufficient cause for such delay.

In case the employee has experienced Sexual Harassment during his/her tenure of employment, but has since left the services of the Company, then, the Committee shall accept a Complaint so long as it is received in writing within three months from the date of cessation of employment.

If an employee believes that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings before the Committee, then, such employee should immediately report the matter to the Committee. Such incidents shall be treated as seriously as an alleged case of Sexual Harassment and will apply even if the original complaint is not given.

Similarly, any undue influence whether direct or indirect, to the proceedings by any party shall be construed as 'Misconduct' and shall attract disciplinary action.

The Committee shall maintain a register to endorse the complaint received by it and keep the same in the custody of the Human Resource Department of the Company. The contents of the complaint endorsed in the register shall be kept strictly confidential, if it is so desired, except

to use the same for discreet investigation. The detailed shall not be disseminated to anyone except the Legal Team of the Company.

The Committee shall hold a meeting with the Complainant within ten working days of the receipt of the complaint, but no later than fifteen working days in any case. In exceptional cases, emergency meeting may be convened by the Chairperson as per the requirement.

At the first meeting, the Committee shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written, etc. to substantiate the complaint. If the Complainant does not wish to depose in person due to embarrassment of narration of events, a lady officer for lady employee(s) and a male officer for male employee(s) desirous of lodging such complaint shall meet and record the statement.

Thereafter, the Committee shall summon the person against whom the Complaint is made for the purposes of a deposition before the Committee and an opportunity shall be given to such person to give an explanation to the allegations, where after, an 'Inquiry' shall be conducted and concluded.

In case of the complaint being found and determined to be of malafide intent or blatantly false or that the incident was publicized without going through the recommended process, such behavior will be construed as a misconduct and the Complainant shall, if deemed fit be liable for appropriate disciplinary action including but not limited to termination of services by the Management of the Company.

If the Committee decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting and place the same before the Board of the Company. The Committee shall also make the same available to the Complainant in writing.

During the pendency of an Inquiry, the Committee may recommend for transfer of the aggrieved employee or the person against whom the complaint is made; or grant leave to the aggrieved employee up to a period not exceeding three months (which shall be in addition to the leave otherwise entitled) or grant such other relief to the individual as may be prescribed by the Company from time to time.

## **6.2 Enquiry Process**

The Committee shall immediately proceed with the Inquiry and communicate the same to the Complainant and person against whom complaint is made. The venue of the Inquiry shall take into consideration the convenience and security of the complainant.

The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the Committee.

The Committee shall prepare and handover the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if she/he so desires within seven working days of receipt of the same.

The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.

If the Complainant or the person against whom complaint is made desires any witness (es) to be called, they shall communicate in writing to the Committee, the names of witness (es) that they propose to call. The responsibility of communicating with the witnesses lies with the complainant/defendant regarding the date, time and venue of the meeting.

If the Complainant desires to tender any documents by way of evidence before the Committee, she/he shall supply original copies of such documents. Similarly, if the person against whom the complaint is made desires to tender any documents in evidence before the Committee, he/she shall supply original / true copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be true copies of the original. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.

The Committee shall call upon all witnesses mentioned by both the complainant and the person against whom the complaint has been lodged. The Committee may at its sole discretion, summon necessary and relevant document / witness, if it is of the opinion that it shall be in the interest of justice.

The Committee shall provide every reasonable opportunity to the Complainant and the defendant for putting forward and defending their respective case. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender insensitive. Any behavior, verbal or otherwise, on the part of the defendant or his nominee, that is designed to intimidate or subject the complainant or her witness to mental and physical trauma, shall entitle the Committee to recommend disciplinary action against the defendant.

The Complainant and the defendant shall have the right of cross-examination of all witnesses.

If the Committee believes that the absence of either of the Complainant or the Defendant and or their witnesses to the dispute is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding fifteen working days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting of the Committee without prior intimation/valid grounds.

The Committee shall have the right to summon, as many times as required, the defendant, the complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.

The Committee shall have the right to terminate the proceedings and to give an 'ex-parte' decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the Committee.



The Committee shall complete the 'Inquiry' within reasonable period but in no case beyond three months from the date of its commencement and communicate its findings and its recommendations for action to the Board of the Company. In the event of any delay in submission of the Inquiry Report, the reasons for the same shall be recorded in writing by the Committee. The Report of the Committee shall be treated as an Inquiry Report on the basis of which a delinquent employee shall be awarded appropriate punishment by the Board of the Company. The Board will act on the report of the Committee in accordance with the Company Rules.

The Committee shall not permit any evidence or examination based on the aggrieved individual's character, personal life, and conduct, personal and sexual history.

The Committee shall take note of the respective socio-economic positions of the parties, their hierarchy in the organization of the Company.

The Committee shall be governed by such rules and guidelines as may be consistent to prevalent law or regulation, as amended or enacted from time to time.

### **6.3 Final Decision & Action to be taken**

Where the Committee arrives at a conclusion that the allegation against the defendant has not been proved, it shall recommend to the Board that no action is required. Where an incident of Sexual Harassment has been determined by the Committee, corrective / disciplinary action based on the gravity of the offence may be recommended to the Management of the Company/Board.

The range of corrective measures / disciplinary and such suitable measures and action which the Board may consider imposing, may include but not limited to:

- a) A communication / letter of warning be sent to the employee and a copy of which shall be placed in the personal file of that employee by Human Resources Department;
- b) Immediate transfer or any other appropriate disciplinary action;
- c) Stoppage of increment with or without cumulative effect;
- d) Reduction in rank;
- e) Termination/dismissal from the services of the Company;
- f) Any other action that the Board may deem fit and proper; and
- g) Filing of a complaint before the relevant statutory / police authorities / court of law;

The Board of the Company shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.

The Committee shall analyze and submit periodical Inquiry reports on all such complaints received by it at the end of each financial year to the Board of the Company.

Upon receipt of the Inquiry Report, the Board shall promptly act on the Inquiry Report. If the Board disagrees or wishes to modify the recommendations of the Committee against Sexual Harassment, it may do so by recording the reasons in writing.

A Copy of the Inquiry Report shall be given by the Board to the Complainant and the Defendant. The Board shall however take disciplinary action only after giving the defendant an opportunity to reply to the findings of the Committee.

The decision of the Board shall be full and final.

Where the conduct of sexual harassment amounts to a specific offence under the Indian Penal Code, 1860 or under any other law; it shall be the duty of the Committee to immediately inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and / or any action taken under this Policy. Further, nothing in this Policy shall prevent the Complainant or the person against whom the complaint was made, from pursuing formal legal remedies or resolution through competent authorities empowered by law or regulation or courts of law in India.

The disciplinary action shall be commensurate with the nature and impact of the sexual harassment. Non-adversarial modes of redress and resolution could also be considered in appropriate cases which may include verbal warning, verbal apology, promise of good behavior, counseling, etc.

A second or repeated offence shall on the recommendation of the Committee attract an enhanced penalty.

On the basis of the working of this Policy, the Board of the Company shall have the powers to make recommendations for bringing about changes in this Policy as and when required in keeping with the Preamble and Objectives of this Policy. Any changes to this Policy shall be suitably communicated to all employees by the Human Resources Department of the Company.

The Human Resources Department of the Company shall play a vital role in executing this Policy.

#### 7. Prevention Action

The Company will take reasonable steps to ensure prevention of sexual harassment at workplace which may include circulating applicable policies and other relevant information to all employees including new joiners.

#### 8. Policy Implementation & Review

The Policy will be implemented and reviewed by the Human Resources Department of the Company. The Board reserves the right to amend, abrogate, modify, and rescind/reinstate the entire policy or any part of it at any given time.

#### 9. Interpretation of the Code

Any question or interpretation under this Code of Ethics and Business Conduct will be handled by the Human Resources Department of the Company.

#### 10. Amendment to the Code

Any amendment in the provisions of the Act shall be incorporated in this Policy with the prior approval of the Board from time to time. The amended/modified Policy shall be disseminated to all the employees of the Company, post the approval of the Board.

### 11. Non – Compliance of the Code

Suspected violations of this Policy may be reported to the Chairman of the Board or the Chairman of the Audit Committee. All reported violations should be appropriately investigated. Any waiver of this Policy must be approved by the Board of Directors.

### 12. Publication of the Code

This Policy and any amendments thereto shall be published/posted on the website of the Company ([www.tradewings.in](http://www.tradewings.in)).

### 13. General Instructions

Any Information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken shall not be published, communicated or made known to the public, press/media in any manner.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes, he/she shall be liable for action as per the Company's disciplinary policy.

**Annexure I**

**Complaint Sheet\***

[Pursuant to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 & Anti – Sexual Harassment Policy of the Company]

Particulars	Details
Name of the alleged offender(s)/ harasser(s) including designation and contact number	
Date(s) and location(s) of the alleged incident(s) of harassment	
A detailed description of the incident(s) in question as well as other relevant circumstances	
Name of witness(s) including designation and contact number	
Details of physical and/or documentary proof if any that supports the allegation; including other potential complainants, if any	

Signature : \_\_\_\_\_

Name : \_\_\_\_\_

Address : \_\_\_\_\_

Contact No. : \_\_\_\_\_

Designation : \_\_\_\_\_

Department : \_\_\_\_\_

Date : \_\_\_\_\_

Place : \_\_\_\_\_

*(Please sign and return this form to any member of the Internal Complaints Committee or Human Resources Department of the Company)*

\* Within 3 months from the date of occurrence of incident.

## Annexure II

### 1. Annual Report

Sr.No	File No.	Name of Complainant	Date of Complaint Received	Complaint Against	Allegations	Findings	Committee Members	Status	Complaint Closure Date	Ageing
1										
2										
3										
4										

### 2. MIS

No. of Complaint Received	No. of Complainant Disposed off During year	No. of Cases Pending more than 90 days	Action Taken				No of Workshop / Awareness Program Conducted
			Termination	Warning letter	Reported to Police authorities	No Action	
<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>

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