

Prevention Of Sexual Harassment at Workplace Policy

**Prevention of Sexual Harassment at
Workplace Policy**

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30-Oct-23	2.7	Jemy Romany Manager- Corp. HR	Malini Moorthy Senior Vice President– HR	Vinod Chandran Chief Operating Officer	List of IC Members reviewed and updated
15-Apr-24	2.8	Jemy Romany Senior Manager- Corp. HR	Karthick B Deputy General Manager– HR	Nita Nambiar Chief People Officer	New List of IC Members updated

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Prevention Of Sexual Harassment at Workplace Policy

1 PURPOSE

To provide an inclusive work environment with a zero tolerance policy to any kind of sexual harassment at WORKPLACE.

2 Policy Statement

Hexaware Technologies Ltd. is an equal opportunity employer and is committed to provide its EMPLOYEEs with a productive WORKPLACE environment, which is free of intimidation and from Sexual Harassment. As such, it is Hexaware Technologies Ltd. policy to maintain work place environment free of sexual harassment, intimidation, threats, coercion or discrimination (which includes harassment based on gender, pregnancy, child birth or related medical conditions) as well as harassment, intimidation, threats, coercion or discrimination based on a person's race, color, gender, disability, age, religion, national origin or any other characteristic protected by law with respect to recruitment, hiring, training, promotion and other terms and conditions of employment.

Hexaware Technologies Ltd. strongly disapproves of and will not tolerate harassment of employees by manager's supervisor or co-workers, customer or vendors. Similarly, Hexaware Technologies Ltd. will not tolerate harassment by its employees of non-employees (retainers, freelancers, vendor employees, consultants, contract employees) with whom Hexaware Technologies Ltd. has a business, service or professional relationship.

3. Scope & Applicability

This Anti-Sexual Harassment Policy ('Policy') applies to Hexaware Technologies Ltd. (collectively, the 'Company').

The Company is committed to provide a WORKPLACE free from sexual harassment. The Policy prohibits any person from engaging in unwelcome sexual conduct or making unwelcome sexual overtures, visual, verbal, or physical at the WORKPLACE (defined below).

As required by applicable law in India, including without limitation the Sexual Harassment of Women at WORKPLACE (Prevention, Prohibition and Redressal) Act, 2013 ("Act") and the Sexual Harassment of Women at WORKPLACE (Prevention, Prohibition and Redressal) Rules, 2013, ("Rules"), the Company has framed this

Policy on prevention and redressal of sexual harassment at the WORKPLACE'. All employees of the Company shall adhere to this Policy in letter as well as spirit. In case any aspect in this Policy is inconsistent with the Act and Rules, the provisions of the Act and Rules shall prevail.

This Policy is not intended to impair or limit the right of any Aggrieved EMPLOYEE (defined below) seeking a remedy available under law. This Policy applies equally to relations between superior and subordinates as well as between peers. The Company has a zero-tolerance policy towards Sexual Harassment at the WORKPLACE and any incident of Sexual Harassment will be viewed as extremely serious. A complaint or report of Sexual Harassment will be according to the procedure laid down under the Act and the Rules and appropriate action will be taken against the offending person(s). Such action will depend on the nature and seriousness of the offence and will include strict disciplinary action including termination of service.

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4. Definitions

“EMPLOYEE”

means a person employed by the Company at the WORKPLACE for any work on a regular, temporary, ad hoc or daily wages basis, either directly or through any agency, including a contractor whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are express or implied. It includes any person working in the Company as an EMPLOYEE, probationer, consultant, temporary worker, casual labor, trainee, or apprentice, by whatever name called;

“WORKPLACE”

The term “WORKPLACE” includes the Company’s premises and all such places or locations or facilities which may be visited/ used by the EMPLOYEE arising out of or during the course of employment including transportation provided by the Company for undertaking such journey;

“Aggrieved EMPLOYEE”

An Aggrieved EMPLOYEE in relation to a WORKPLACE, is an EMPLOYEE of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent (as defined below);

“Respondent”

“Respondent” is the “person” against whom the Aggrieved EMPLOYEE has made a complaint under Section 9 of the Act i.e. any person who is accused of or alleged to have Sexually Harassed the Aggrieved EMPLOYEE at the WORKPLACE;

“Employer”

The word “Employer” would mean any person responsible for the Management, supervision and control of the WORKPLACE including the person(s) responsible for management, supervision and control of the Company;

“Sexual Harassment”

The word “Sexual Harassment” includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- 1.1 Physical contact and advances
- 1.2 A demand for request for sexual favors
- 1.3 Making Sexually colored remarks
- 1.4 Showing pornography or
- 1.5 Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

A more elaborate list of behavior that constitutes Sexual Harassment is enclosed in **Annexure 1**

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All such conduct becomes harassment when:

- The submission to the conduct is made a condition of employment;
- The submission to, or rejection of, the conduct is used as the basis for an employment decision; or
- There is any explicit promise of preferential treatment, implied or explicit threat of detrimental treatment, threat or any humiliating treatment that may affect a person's sense of health or safety while at work.
- The conduct creates or could create or lead to an offensive, intimidating or hostile working environment or could interfere with work performance.

Note: It is the impact or effect of the behavior on the Aggrieved EMPLOYEE and not the intent of the Respondent that is critical in an assessment of such issues/cases.

5. Prevention of Sexual Harassment

All employees at Hexaware Technologies Ltd. have a responsibility in contributing to a mature and respectful work environment. Hexaware Technologies Ltd. shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include, but not limited to:

- Circulation of Hexaware Technologies Ltd.'s policy on sexual harassment to all persons employed by or in any way acting in connection with the work and/or functioning of Hexaware Technologies Ltd.;
- Ensuring that Sexual Harassment as an issue is raised and discussed at Hexaware Technologies Ltd. meetings from time to time.
- Widely publicize that the Sexual Harassment is a crime & will not be tolerated.

An indicative list of Do's and Don'ts in this regard is appended in **Annexure 2**.

Managers (as representatives of the Employer) have special responsibilities in this area. A representative list of manager responsibilities is appended in **Annexure 3**.

6. Internal Committee

The Company has set up an Internal Committee ("IC") in accordance with the Act and Rules to redress the complaints of an Aggrieved EMPLOYEE. The IC consists of the following members:

- A senior level woman EMPLOYEE of the Company as the Presiding Officer (referred to as the Presiding Officer);
- An independent member appointed from an NGO/ women's rights related association or a lawyer or a person familiar with issues relating to sexual harassment;
- Two or more EMPLOYEEs from the Company who are preferably committed to the cause of women or

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who have experience in social work or who have legal knowledge.

IC has been set up to take care of each location of the Company in India.

Details of IC have been shared in **Annexure 4** (as may be updated by the Company from time to time).

The Company shall also regularly and promptly notify to all employees any changes in the constitution of the IC, or to the contact details of the members of the IC.

7. Reporting of Sexual Harassment

Any Aggrieved EMPLOYEE who is the recipient of any Sexual Harassment at WORKPLACE as described by this Policy or has knowledge of the occurrence of such Sexual Harassment to any EMPLOYEE, is expected to report the same ("Complaint") at the earliest.

Where any Aggrieved EMPLOYEE is unable to file a Complaint:

- (i) On account of his / her mental incapacity, the Complaint on his / her behalf may be filed by his / her relative or friend, a special educator, a qualified psychiatrist or psychologist or the guardian / authority under whose care he/ she is receiving treatment or care; any person who has knowledge of the incident jointly with his / her relative, or a friend or a special educator, or a qualified psychiatrist or psychologist or the guardian / authority under whose care he/ she is receiving treatment or care
- (ii) Due to any other reason, a Complaint may be filed, with his/ her written consent, by any person who has knowledge of the incident;
- (iii) On account of his/ her death, a Complaint may be filed by any person who has knowledge of the incident, with the written consent of the legal heir of the Aggrieved EMPLOYEE.

Complaint must be made in writing so as to enable a formal investigation and enquiry into the matter. The Aggrieved EMPLOYEE will share details of the incident/s including date, time, witnesses if any and description/nature of incident/s.

Complaint should be made to the IC within three (3) months from the date of an incident and/or in the case of a series of incidents, then even within three (3) months from the date of the last incident. The IC may extend the time limit to another three (3) months if it is satisfied that the circumstances were such which prevented the Aggrieved EMPLOYEE from filing a Complaint within the prescribed period and record such reasons in writing.

If the Aggrieved EMPLOYEE is unable to make the Complaint in writing then the members of the IC are required to provide the Aggrieved EMPLOYEE with reasonable assistance to make the Complaint in writing, and have the contents confirmed by the Aggrieved EMPLOYEE by signing/ acknowledging the same.

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In case the Aggrieved EMPLOYEE reaches out to their Team Manager, HR Manager or any other EMPLOYEE, they should immediately forward the complaint to the IC. An EMPLOYEE may also email the complaint to:

complaintscommittee@hexaware.com

Names of the IC Members are provided in **Annexure 4**.

Note: DO NOT publicize an alleged harassment but report it according to the reporting procedures as per the guidelines laid down in this Policy. Any breach of confidentiality will be treated as a separate misconduct complaint. Any questions/clarifications you may have in this regard can be raised with your HR or IC.

8. Resolution Procedure

An Aggrieved EMPLOYEE, on being aggrieved must file six copies of the Complaint along with supporting documents and names and addresses of witnesses. The IC shall forward one copy of the Complaint to the Respondent within seven (7) working days. The Respondent must file his response to the Complaint along with supporting documents and names and addresses of witnesses, within ten (10) days of receiving the Complaint copy from the IC.

On a written request from the Aggrieved EMPLOYEE, the IC may initiate resolution through conciliation/mediation. If conciliation is successful between both parties, the settlement must be noted in writing by the IC.

If the Respondent fails to comply with the terms and conditions of the settlement, the Aggrieved EMPLOYEE may inform the IC of the same for further action, as provided under the Act.

If settlement is not arrived at through conciliation, the IC will proceed with an inquiry.

9. Inquiry Procedure

The IC will make an inquiry into the complaint in accordance with the principles of natural justice.

During the pendency of an inquiry, the IC shall, on the request made by the Aggrieved EMPLOYEE, grant interim relief more particularly as mentioned in **Annexure 5**.

During the Inquiry, the IC will give each party an opportunity of being heard and will make available to each, a copy of its findings enabling them to make representation in respect of such findings before the IC.

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The IC may terminate the inquiry proceedings or decide ex-parte on the Complaint, if the Aggrieved EMPLOYEE or the Respondent does not, without sufficient cause, present himself/herself for three consecutive hearings convened by the IC.

The quorum for convening a meeting of the I C Complaints Committee for the purpose of an inquiry shall be three (3) members of the IC, including the presiding officer.

The IC shall complete the inquiry within a period of ninety (90) days and communicate its findings and its recommendations for action to the Company's management in a report, within ten (10) days of completing the inquiry.

A copy of the report shall also be made available to the Aggrieved EMPLOYEE and the Respondent.

The report of the IC shall be treated as a final report on the basis of which an appropriate disciplinary action can be taken against the Respondent within sixty (60) days of its receipt.

In the event the IC concludes that allegations of Sexual Harassment have been established, it shall in its report to the Company, recommend that action against the Respondent be taken in accordance with the Company's service rules. The Company's management will direct appropriate action in accordance with the recommendation proposed by the IC. Disciplinary actions for cases of Sexual Harassment may range from oral/written warnings, extension of probation, demotion, withholding of increment/promotion, counselling sessions, termination from the services of the organization.

In the event, the Complaint does not fall under the purview of Sexual Harassment or the allegations are not established, the IC shall recommend to the Company that no action is required to be taken and close the enquiry by recording reasons in writing;

None of the parties can be represented by a lawyer during the proceedings

10. Protection Against Retaliation

Retaliation is a serious violation of this Policy and any person found to have retaliated against an individual for reporting harassment will be subject to appropriate disciplinary procedures. The Company forbids any form of retaliation against anyone who has reported a suspected episode of Sexual Harassment or has cooperated in any investigation involving a reported case.

If anyone feels 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, should report the matter to the

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Manager/HR/ IC immediately. If reported to the Manager/ HR, the Manager/ HR shall inform the IC immediately.

As with complaints of Sexual Harassment, this too will be treated as misconduct and the Company will take appropriate action to prevent/rectify the retaliation. Any form of retaliation will be treated as seriously as an alleged case of Sexual Harassment and the same procedure will apply even if the original complaint is not proven.

11. Records

The HR dept. of the Company along with the Chairperson of the IC shall maintain a complete written record of all Complaints received including how it was investigated and resolved. All records shall be maintained in a confidential manner.

The IC, as the case may be, 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 and the district officer as per the Act.

12. Malafide Complaint

If after inquiry, it is found that the Complaint was raised with malafide intent, the Company can treat the Aggrieved EMPLOYEE found guilty of such malafide complaint as a major misconduct and decide on appropriate disciplinary action including termination of services.

Lack of evidence to support a complaint does not indicate a malafide intention. Wrongful allegations and breaching confidentiality in this regard will be viewed seriously by the Company.

13. Appeal

Any party aggrieved by the recommendations or non-implementation of the recommendations made by the IC, may prefer an appeal, in accordance with the Act within ninety (90) days of the recommendations.

14. Confidentiality

It shall be the duty of all EMPLOYEES as well as the IC to ensure that all complaints lodged under this Policy are kept confidential. All incidents/grievances reported will be treated seriously and sensitively with utmost confidentiality and privacy of all parties concerned as is practically possible.

15. Consensual Sexual Relationships

The Company discourages romantic or sexual relationships between a Manager or other supervisory EMPLOYEE and his or her staff (an EMPLOYEE who reports directly or indirectly to that person), because such relationships tend to create compromising conflicts of interest at work.

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It is therefore in the best interest of all concerned, that if there is such a relationship, the involved parties notify management so the reporting chain can be changed to ensure no direct or indirect reporting relationship.

16. General

All employees at the Company have a responsibility in contributing to a mature and respectful work environment. All employees are personally responsible for their actions and must ensure that their behavior does not constitute Sexual Harassment whether it happens deliberately or inadvertently.

The Company reserves the right to modify and amend the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the organization from time to time.

Prevention Of Sexual Harassment at Workplace Policy**ANNEXURE 1 - List of Behavior that Constitutes Sexual Harassment**

Harassment includes unwelcome words, acts or displays.

Any behavior that falls in this list or has the same impact as any of these, on an EMPLOYEE, will invite appropriate disciplinary action including separation from the organization.

Verbal Harassment includes:

- Any taunting, disparaging, snide remarks based on sex (including pregnancy, childbirth or related medical condition), sexual orientation, gender identity, marital status or personal appearance,
- Using abusive and offensive language or comments that belittle people because of their sex or sexual orientation
- Phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to employees,
- Sexual messages, text, or images which may be perceived by the recipient as creating a hostile work environment
- Suggesting or insisting that someone wear revealing clothing,
- Intrusive questions about sexual activity, Tales of sexual exploits, Comments about people's (women/men) bodies or intruding on the privacy of an EMPLOYEE.
- Repeated requests for sexual favors, sexual advances or repeated pressure for dates and social contact especially when person invited has refused/ignored similar invitations,
- Sexually suggestive comments, sexually colored propositions, insults or threats. Telling lewd jokes about sex or sexual orientation
- Offensive language that insults/demeans including using terms of endearment Singing or humming vulgar songs, ballads or words

Non-Verbal Harassment includes:

- Graphic descriptions of pornography including graffiti in the office premises
- Displaying of books, photographs, paintings, films, pamphlets, packages, etc. containing 'indecent representation of women/men', or
- Material that is sexual in nature, sexist, sexually explicit is displayed in the WORKPLACE, circulated, or put in someone's WORKPLACE or belongings, or on a computer or fax machine or on the internet or any other public display system or public in the work premises.
- Offensive gestures, staring, leering or whistling with the intention to insult or 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 an EMPLOYEE.
- Sounds, gestures or display of offensive books, pictures, cartoons, magazines, calendars; or derogatory written materials at one's desk or WORKPLACE.
- Viewing, showing or mailing pornographic posters, Internet sites, cartoons, drawings. Suggestive letters, phone calls, electronic instant messaging or e-mail messages.

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Physical Harassment includes:

- Intentional touching of the body, e.g. unwelcome hugs, kisses, brushing, fondling, pinching, patting etc.
- “Accidentally” brushing sexual parts of the body
- Any displays of affection which can make others uncomfortable or are inappropriate at the WORKPLACE even if the recipient welcomes it.
- Indecent exposure or coerced sexual intercourse.
- Use of technology to induce different remote sensations on the body including, but not limited to pain and sexual stimulation,
- Sexual assault or using criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty.

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ANNEXURE 2 - Responsibility of Employees – The DO's

Everyone plays a role in building the organizational culture. Hexaware Technologies Ltd. looks towards your support to help create a WORKPLACE that is harassment and discrimination free. It takes great pride in its “zero tolerance” policy on this. All interactions between employees must be courteous and business like at all times.

- Know Hexaware Technologies Ltd. policy on sexual harassment.
- Be aware of inappropriate behaviors and avoid the same. Professionalism in attitude, behavior and dress is important at all times.
- Review behavior on whether it could hurt, offend or be interpreted by someone as sexual harassment. *(Remember that social or cultural backgrounds may lead people to perceive the same conduct differently. Sexual harassment can arise where different values and beliefs are not respected.)*
- Say “NO” if asked to go places, do things or participate in situations that make you uncomfortable.
- Trust your instincts. Walk away from uncomfortable situations.
- Say “NO” to offensive behavior as soon as it occurs. If it continues, record details of dates, times, places and what happened. Names of witnesses of these situations must also be noted.
- As a colleague, encourage a harassed EMPLOYEE to approach the offending person directly or use other informal and formal channels of redressal. Offer to speak for/accompany the person if the person needs moral support.
- Believe a person who shares information about harassment. Do not disregard or trivialize the matter. You must remember that it is his/her perceptions of “Unwelcome” acts and people have different standards on this.
- Empathize with the EMPLOYEE; keep the confidentiality and share only with the appropriate authorities.
- As an EMPLOYEE of the organization, it is your duty to report any inappropriate behavior whether it happens to you or to any of your colleagues. Do not ignore it.
- Your complaint is important as
- It is important to stop unfair treatment
- It could get worse if left unchecked

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ANNEXURE 3 - Responsibility of Managers

Hexaware Technologies Ltd. is committed to provide a safe working environment. Managers at Hexaware are the first line of contact for employees. They represent the employer to an EMPLOYEE and as such have specific responsibility in the prevention and redressal of issues of sexual harassment.

Sexual harassment can be a single incident or repeated. Obviously, some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out, may not constitute harassment if they are not repeated and are polite and respectful. This is an indicative list of expectations from managers in this matter.

- Managers must ensure that all EMPLOYEES are aware of Hexaware Technologies Ltd.'s policy on sexual harassment and of inappropriate behaviors as listed in the policy. Education on professional behavior at work is an important part of this activity
- Be a role model in building a culture of respectful and sensitive behavior. Your conduct is a powerful tool to foster a culture that is courteous, considerate, and receptive to diversity.
- As a Manager, you have an obligation to exercise your authority if you observe, or are informed of, instances of sexual harassment in the WORKPLACE. Exercising your managerial authority may involve:
- Informing someone whose conduct you have observed that the behavior is inappropriate or unacceptable in the WORKPLACE and insisting that the behavior ceases or does not recur;
- Directing that, for example, screen savers or posters that may cause offence to other staff are no longer displayed
- Be aware of and sensitive to high risk work situations and take precautions to mitigate/avert the same. Emphasize on collegiate respect and professionalism in both formal and informal work contexts.
- Understand the reasons why some EMPLOYEES (particularly women) remain silent about sexual harassment. An absence of complaints about sexual harassment does not necessarily mean the absence of sexual harassment.
- Where inappropriate dress or language has intentionally or otherwise led to offensive remarks, counsel individually or as a team to ensure professionalism at work.
- Never trivialize a complaint. Listen with empathy to gather factual details and make no judgments.
- Manage complaints proactively and with utmost sensitivity and confidentiality.
- Ensure there is no retaliation or victimization of the complainant or his/her witnesses or supporters.
- Remember, even if there is no evidence to suggest that people have experienced sexual harassment in your work environment, that environment is not static. New EMPLOYEES are constantly coming into the organization and they must be continuously educated on the policy.

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ANNEXURE 4 - Details of IC Members

Position in the Committee	Name of Employee	Designation	Email ID	Location
Presiding Officer	Ms. Rajashree Laad	VP - QMGSEPG	rajashreel@hexaware.com	All
External Member	Ms. Rashika Gupta	External Member	rashikalawoffices@gmail.com	All
Member	Ms. Chitra J	Project Director - BANKINGDLV	ChitraJ@hexaware.com	Chennai
Member	Ms. Mythili Sivaraman	Project Director - MNCDLV	MythiliS@hexaware.com	Chennai
Member	Mr. Shishir Agarwal	VP – DSDLV	ShishirA@hexaware.com	Mumbai
Member	Ms. Vijayalakshmi Raj	AVP - HCIPRAC	VijayalakshmiRa@hexaware.com	Pune
Member	Mr. Suresh Varma	Senior Engineer Manager – MBQ MOBILE	SureshV2@hexaware.com	Ahmedabad
Member	Ms. Khushpreet Kaur	Senior Engineering Manager - MBQ	KhushpreetK@hexaware.com	Pune
Member	Mr. Gaurav Agrawal	VP – ITOSERV	Gaurav.Ag@hexaware.com	Noida
Member	Lysander Gonsalves	General Manager- BPS	LysanderG@hexaware.com	Mumbai
Member	Jayapadma A B	General Manager- BPSOPER	JayapadmaA@hexaware.com	Pune
Member	Shyam Sundar Balasubramanian	Vice President I - BPS	ShyamS2@hexaware.com	Bangalore
Member	Prem K George	Assistant Vice President II	PremKGeorge@hexaware.com	Chennai
Member	Arun Nambiar	Vice President I - BPS	ArunN2@hexaware.com	Mumbai
Member	C K Sathyanarayanan	Vice President I - BPS	SathyanarayananC@hexaware.com	Chennai
Member	Hetal Brahmhatt	Sr. Product Owner - MBQ DELIVERY	HetalB@hexaware.com	Ahmedabad

ANNEXURE 5 - Interim Relief

The interim reliefs that can be granted to an Aggrieved EMPLOYEE during the pendency of the enquiry are as follows:

- (i) Transfer of the Aggrieved EMPLOYEE or the Respondent to any other WORKPLACE; or
- (ii) Grant leave to the Aggrieved EMPLOYEE up to a period of three months (The leave granted to the Aggrieved EMPLOYEE shall be in addition to the leave she would be otherwise entitled); or
- (iii) Grant such other relief to the Aggrieved EMPLOYEE as may be prescribed.