

SEXUAL HARASSMENT POLICY

NFIL is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The organization also believes that all employees have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable. The Policy shall be further governed by the rules and regulations stipulated by the Government viz. the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed there under.

SCOPE:

This policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of the Company including all subsidiaries and affiliated companies at their workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates. The Policy is only applicable when both or either the alleged harasser & the victim are employees/agents of the company. It is not applicable when both the alleged harasser and the victim are third parties.

The Policy is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

DEFINITION OF SEXUAL HARASSMENT:

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature. Sexual Harassment at the workplace includes:

1. Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity.
2. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance.
3. Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy.

4. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex.
5. Conduct of such an act at work place or outside in relation to an employee, or vice versa during the course of employment; and
6. Any unwelcome gesture by an employee having sexual overtones

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

1. All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this policy.
2. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

COMPLAINT MECHANISM:

An appropriate complaint mechanism in the form of “Internal Complaints Committee” has been created in the Company for time-bound redressal of the complaint made by the victim.

INTERNAL COMMITTEE:

The Company has instituted an Internal Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints. Initially, and till further notice, the Internal Committee will comprise of the following members:

Internal Committee - Mumbai				
Location	Name	Position	Email ID	Mobile No.
Mumbai	Shainaz Mehta	Chairperson	shainaz.mehta@nfil.in	9819106569
	Suresh Nair	Member	suresh.nair@nfil.in	9820452110
	Reena Sharmilee	Member	reena.sharmilee@nfil.in	9901077220
External Committee Member - Adv. Prerana Saraf Email: sprerana@poshatwork.com Mobile: 9916197937				

Internal Committee - Surat				
Location	Name	Position	Email ID	Mobile No.
Surat	Shainaz Mehta	Chairperson	shainaz.mehta@nfil.in	9819106569
	Dinesh Gangawane	Member	dinesh.gangawane@nfil.in	8347423232
	Trupti Thakkar	Member	trupti.thakkar@nfil.in	9725349375
External Committee Member - Adv. Prerana Saraf Email: sprerana@poshatwork.com Mobile: 9916197937				

Internal Committee - Dewas				
Location	Name	Position	Email ID	Mobile No.
Dewas	Shainaz Mehta	Chairperson	shainaz.mehta@nfil.in	9819106569
	Bikram Singh	Member	bikram.singh@nfil.in	7567863152
	Pinaz Daniel	Member	pinaz.daniel@nfil.in	8109603902
External Committee Member - Adv. Prerana Saraf Email: sprerana@poshatwork.com Mobile: 9916197937				

Internal Committee - Dahej				
Location	Name	Position	Email ID	Mobile No.
Dahej	Shainaz Mehta	Chairperson	shainaz.mehta@nfil.in	9819106569
	Bharat Dharaiya	Member	bharat.dharaiya@nfil.in	9998641101
	Utkarsh Vaishnav	Member	utkarsh.vaishnav@nfil.in	9227562347
External Committee Member - Adv. Prerana Saraf Email: sprerana@poshatwork.com Mobile: 9916197937				

♣ Employer will not form a part of the IC.

♣ A quorum of 3 members is required to be present for the proceedings to take place. The quorum must include the Presiding Officer, at least two members (one of whom must be female) and the external member.

♣ A victim of sexual harassment can be a man or a woman. The victim can be of the same sex as the harasser. The harasser can be a supervisor, co-worker, other Department employee, or a non-employee who has a business relationship.

HOW TO MAKE A COMPLAINT OF SEXUAL HARASSMENT?

An aggrieved person who alleges to have been subject to an act of sexual harassment may prefer a complaint, in writing, to any member of the IC. Alternatively, the aggrieved person may email the complaint to the IC at email id: ic-member_posh@nfil.in

1. The complaint should be made within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:
2. Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the IC shall render all reasonable assistance to the person for making the complaint in writing:
3. Provided further that the IC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

4. Where the aggrieved person is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir, relative, friend, co-worker, or any person having the knowledge of the incident may make a complaint to the Presiding Officer of the IC or , subject to the following limitations:
 - I. The complaint should be made within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. Provided further that the IC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.
 - II. **Extraordinary situation:** “Extraordinary situation” would include situations where the jurisdiction of the IC is unclear (for example, in cases where the limitation period has lapsed), including a potential case against the Executive Director & or the Managing Director.
 - III. In such situations, where the NFIL management or the NFIL Board reasonably believe that there may be a case of sexual harassment pertaining to any current member of NFIL, NFIL commits to undertaking an investigation either at the executive, Board level, or through an independent third party. NFIL commits to ensuring the investigation is impartial and follows due process.
 - IV. It should be noted that in case of an allegation/ complaint against the Executive Director & or Managing Director, an alternate remedy is also available to complainants under section 6(1) of the **Sexual Harassment of Women at the Workplace Act**, where the Local Committee is empowered to investigate complaints. The complainant has the option of electing either forums.
 - V. The external entity, in receiving, conducting inquiries into, disposing of, and otherwise handling, complaints, adhere to the procedure below, in proper compliance with the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**.

RECEIVING THE COMPLAINT

1. The Presiding Officer of the IC shall take cognizance of the complaint at the earliest and in any case within ten days of receiving the complaint.
2. A complete copy of the complaint and other supporting documents, including evidence and statements of witnesses shall be sent to the respondent within 10 days of receiving the complaint.
3. Upon receiving a copy of the complaint, the respondent shall file his/her reply to the complaint, along with supporting documents within a period of 10 working days.
4. A complete copy of the reply and the supporting documents, including evidence and statements of witnesses shall be sent to the aggrieved person within 10 days of receiving the same.

RESOLUTION THROUGH CONCILIATION

Once the complaint and reply are received, before initiating the inquiry the IC may take steps to conciliate the complaint between the aggrieved person and the respondent.

1. This shall be initiated only if requested by the aggrieved person in writing.
2. It should be made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.
3. In case a settlement is arrived at, the IC will record and report the same to the employer for taking appropriate action. If conciliation fails and/or no settlement is reached between the parties, the IC shall proceed to conduct a formal inquiry into the complaint.
4. The IC shall provide copies of the settlement to aggrieved person and respondent. Once the action is implemented, no further inquiry is conducted.
5. If the respondent and/or employer fail to implement the terms of the settlement, the aggrieved person may request the IC to conduct a formal inquiry into the complaint.
6. No monetary settlement shall be made as a basis of conciliation.

CONDUCTING A FORMAL INVESTIGATION

1. The IC shall conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate, in accordance with the principles of natural justice.
2. Upon receipt of a complaint, the Presiding Officer and two members shall at a meeting specially convened for this purpose, constitute from amongst its members a quorum of at least three members known as the Inquiry Committee to examine, enquire, investigate and prepare a report.
3. The Inquiry Committee shall be notified to the parties prior to commencement of the investigation and hearings, and will not be changed unless a situation mentioned in section 4(5) of the Act presents itself.
4. Majority of the members of the Inquiry Committee shall be women.

THE INQUIRY COMMITTEE SHALL BE SUBJECT TO THE FOLLOWING RULES:

1. Both parties shall be given the opportunity to appear before the Inquiry Committee and present their case and/or submit names of any witnesses or documentary evidence substantiating their case.
2. The Inquiry Committee shall have the power to call upon any such witnesses and record their statements. The proceedings shall be conducted in such language as may be familiar to the aggrieved person and the respondent.

3. Absent exceptional circumstances, the aggrieved person and respondent should inform the Inquiry Committee in writing at least 24 hours in advance of the hearing the names of any witnesses he/she wishes to testify. Any information shared during a hearing is confidential.
4. An aggrieved person or respondent shall not question each other or other witnesses directly but may raise questions to be asked of that party through the Inquiry Committee, which will determine whether to ask them.
5. The minutes of the proceedings shall be recorded in English and where the aggrieved person or the respondent is not conversant with English, in addition, in such language as may be familiar to them.
6. If a party is not present for more than 3 consecutive hearings, without sufficient cause, the Inquiry Committee may, after giving that party a notice of 15 days, give an ex-parte decision on the complaint or terminate the complaint.
7. The Inquiry Committee will make every effort to complete its investigation within 90 days of a complaint of sexual harassment.
8. The Inquiry Report of the Inquiry Committee, including its decision and recommendations, and reasons for arriving at such decision, shall be communicated to the concerned parties and the employer, in writing, at the earliest and in any case within 10 days of completion of the investigation.
9. Notification of the decision and the reasons shall be individually given to the respondent and the aggrieved person on the same day.
10. If the allegations against the respondent are proved to be true, the Inquiry Committee shall also recommend the penalties or corrective/restorative action that may be taken against him/her to the employer.
11. The employer shall act on the recommendation of the Inquiry Committee within a period of 60 days from the date of the receipt of the Inquiry Report, unless an appeal against the findings is filed within that period by either party.
12. In the event of any of the Committee Member being unable to continue as an IC member due to resignation from the current role in the organisation or an unlikely event, then the position to be filled in within the next 30 days and the notification of the same to be circulated across the organisation.
13. The vacancy in the IC to be filled in by way of either self-nominations from the interested employee or as suggested by the Line Managers and Peer, which ever works better.

INTERIM RELIEF

During the pendency of the inquiry, or during the pendency of the investigation by the police, on a written request made by the aggrieved person or otherwise, the Inquiry Committee may recommend to the employer to:

1. Transfer the aggrieved person or the respondent to any other workplace; or
2. Suspend the respondent/ask them to work from home/go on leave, during pendency of inquiry; or

3. Grant leave to the aggrieved person, for a period of three months maximum, in addition to the leave she would be otherwise entitled; or
4. Prevent the respondent and/or employer from assessing aggrieved person's work performance; or
5. Grant such other relief as may be appropriate including
 - I. Pass an order restraining all communication between respondent and various NFIL members;
 - II. Pass an order restraining all communication between respondent and any person which is likely to influence the inquiry
 - III. Any other measure to inspire confidence in various members of the workplace that NFIL is committed to providing a safe working environment

Once the recommendations of interim relief are implemented, the employer will inform the IC regarding the same.

PROTECTION OF THE AGGRIEVED PERSON

1. The Inquiry Committee shall also take note of the inherent power asymmetry and/or the vulnerability of the aggrieved person in such cases and take steps to ensure that the aggrieved person is not subjected to a hostile environment during the investigation.
2. Explanation: A "hostile environment" is created when one's acts or behaviours with sexual undertones at a workplace creates an environment that is uncomfortable for the complainant which in turn could affect one's health and work performance or create an intimidating, hostile or offensive employment.

MALICIOUS ALLEGATIONS

1. Where the Inquiry Committee arrives at the conclusion that the allegation against the respondent is malicious, or the aggrieved party or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person 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 person or the person making the complaint.
2. While deciding malicious intent, the Inquiry Committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

CONFIDENTIALITY

The identity of the aggrieved person, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the IC / Inquiry Committee, and action taken by the employer are considered as confidential material, and not published or made known to public or media.

Any person contravening the confidentiality clause is subject to disciplinary action as prescribed in the **Sexual Harassment of Women at Workplace Act (Prevention, Prohibition and Redressal) Act, 2013**, wherever applicable.

APPEAL

Any party not satisfied or further aggrieved by the decision of the IC or by the recommendations made by the IC or the implementation or non-implementation of such recommendations, may appeal to the appellate authority in accordance with the **Sexual Harassment of Women at Workplace Act (Prevention, Prohibition and Redressal) Act, 2013**, within 90 days of the recommendations being communicated, wherever applicable.

PROHIBITION AGAINST ANTI-RETALIATION

NFIL Members, particularly the board members, directors and management will not intimidate or take retaliatory action as defined below against any person who makes a complaint or provides testimony/ evidence regarding a complaint under this Policy in good faith and without malice.

Types of retaliation that are prohibited include but are not limited to:

1. Intimidation;
2. Interference with the person's work or creating an intimidating or offensive or hostile work environment;
3. Termination of employment;
4. Failing to hire or consider for hire or promotion; and
5. Adversely impacting working conditions or otherwise denying any employment benefit to an employee.

*Note that an adverse disciplinary action against a NFIL member whose conduct or performance warrants such action for reasons unrelated to the reporting of a complaint will not be deemed a violation of this clause.

Individuals who are concerned about retaliation should approach the Presiding Officer of the IC at shainaz.mehta@nfil.in or the External member of the IC at sprerana@poshatwork.com. Such concerns will be addressed on priority.

WORKPLACE FRATERNISATION POLICY

1. This policy is applicable to all NFIL members, including permanent/temporary staff, consultants, board and society members, Fellows, individuals sharing our workplace, interns and any other person in a professional role in the organization.
2. 'Fraternization' for the purposes of this policy refers to consensual romantic or sexual relationships between NFIL members.

3. NFIL members in supervisory/managerial positions are expected to be strictly professional in their interactions with colleagues in junior roles due to their capacity to affect decisions and conditions of employment of these individuals. This includes concerns about favouritism, nepotism, misuse of authority, exploitation and sexual harassment. Any romantic relationships that may develop between NFIL members across levels of hierarchy should therefore be immediately disclosed by the senior member to their immediate supervisor, Director, or a member of the senior management team with a request to be relieved from any direct or indirect supervisory role.
4. Any romantic relationships that may develop between a NFIL member and an intern is prohibited (with the exception of pre-existing relationships). Please see section below for 'Guidelines on Interaction with Interns'.
5. Failure to comply with the terms of this policy, including disclosure of romantic relationships, especially in cases of conflicts of interest, misuse of authority and harassment, will be treated as a serious violation of professional standards and will invite disciplinary action by the management.
6. NFIL recognizes that such disclosure entails sharing information that is personal and sensitive in nature. Thus, there is an obligation on members of the management to keep this information strictly confidential and within the immediate chain of command, except in the instance of an internal or legal inquiry.
7. Confidentiality of such information shall be maintained by the senior management in adherence to existing policies at NFIL on non-discrimination at the workplace with an assurance that such disclosure shall have no adverse effects on conditions of employment of both parties involved.
8. This policy is also in accordance with NFIL' policy on Prevention of Sexual Harassment at the workplace. Any instance of non-consensual romantic/intimate relationships or interactions between NFIL members, including those that result from misuse of authority may amount to misconduct and/or sexual harassment and be subject to inquiry and disciplinary action by the management, up to and including suspension and termination.
9. NFIL is committed to creating a safe and harmonious working environment, and all members are encouraged to maintain professional standards of conduct at the workplace. This includes being cognizant of personal interactions to ensure that it does not negatively impact productivity, culture of teamwork, and comfort and safety of the working environment; personal discussions/disputes in relationships should be kept outside the workplace.
10. NFIL members must be respectful of privacy of colleagues in relationships at the workplace and refrain from monitoring behaviour or sharing personal information/misinformation. Gossip, rumours, inappropriate jokes and comments are prohibited; instances of such behaviour, if noticed, may be reported to the management and may invite disciplinary action.
11. NFIL members may refer relatives (individuals related by blood, or through marriage or adoption) for employment at the organization, in teams other than their

own. Such pre-existing relationships shall be immediately disclosed by the member to the senior management team at the time of hiring. Members shall not assume any role in the hiring committee, or be part of any direct or indirect supervisory/managerial relationship with relatives. Decisions on employment shall be based purely on qualifications and aptitude of the individuals for the position.

GUIDELINES FOR INTERACTIONS WITH INTERNS/TRAINEES:

1. NFIL interns/Trainees are professionals occupying the NFIL workplace for a brief period, who do not enjoy full benefits and protections available to other NFIL members. Hence, any romantic or intimate relationships that may develop between a NFIL member and an intern is prohibited.
2. Pre-existing, (including past) romantic relationships between a NFIL member and an intern applying for a position at NFIL should be immediately disclosed by the member to their immediate supervisor, Director or a member of the senior management team, with a request to be relieved from any direct or indirect supervisory role.
3. Failure to disclose a pre-existing romantic relationship with an intern/Trainee will be treated as a serious violation of professional standards and will invite disciplinary action.
4. NFIL members, including permanent/ temporary staff, consultants, board and society members, fellows, individuals sharing our workplace, and any other person in a potential supervisory role should be scrupulously professional and respectful in their interactions with interns/Trainees, both at the workplace and outside it.
5. Any instance of unprofessional or disrespectful behaviour with interns/Trainees will invite strict disciplinary action against NFIL members. NFIL places a positive duty of care on all NFIL members to treat interns/Trainees with utmost respect and professional support.