

## Policy on Prevention, Prohibition & Redressal of Sexual Harassment at Workplace

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Version	Author	Approved By	Effective Date	Key Updates
Version 1.0	Ganga M Thimmaiah	Sandhya Rani G	08-Sep-22	Policy Updated
Version 1.1	Raghavendra V	Sandhya Rani G	17-Jul-25	<ul style="list-style-type: none"> <li>• Format Aligned</li> <li>• Updated Applicability</li> <li>• Additions to Definitions</li> <li>• Detailed Inquiry Guidelines</li> <li>• IC member updated</li> </ul>

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## 1. PURPOSE & BACKGROUND

(In accordance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013.

Vidal Healthcare Services Pvt Ltd hereby referred as “**the Company**” is committed to providing employees with a work environment that is free of harassment and discrimination.

**Objective:** The main objective of having this Policy is to establish a complaint resolution procedure and mechanism to effectively combat sexual harassment at work. The policy also is designed to identify and prevent sexual harassment at work as also to resolve complaints and initiate immediate corrective action in a fair and timely manner.

## 2. APPLICABILITY

This policy is applicable to allegations of sexual harassment at workplace made by or/and against any employee (s) (on-roll, off-roll, contract based)) of the Company, working at various locations and facilities of the Company and includes complaints made by employees of third parties, employees of vendors, visitors and customers. The policy also includes any places visited during the course of employment. This policy is put in place as required under The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013 and hence applies to harassment against women only.

## 3. STATEMENT OF PRINCIPLES

It shall be the responsibility and obligation of the Management and also every employee to contribute to maintaining a friendly / non-hostile and pleasant working environment. All employees are expected to respect the dignity and personality of other employees.

Every employee will have the right to complain against harassment. It is in the self-interest of the complainant to make the complaint promptly in order to enable the Company/Officers in charge of dealing with such cases to take quick remedial action. However, late reporting of a complaint by itself shall not prevent the Company from taking requisite remedial action.

Reported incidents of harassment will be thoroughly and promptly investigated. The Company would make every reasonable effort to ensure that no employee is subjected to sexual harassment. The Company assures that allegations of sexual harassment will be dealt with seriously, expeditiously and confidentially, and employees will be protected against victimization or retaliation for making or supporting a complaint of sexual harassment.

Any employee who engages in an act of sexual harassment, or who encourages such conduct by others, or who indulges in victimization of or retaliation against the complainant or the complainant's witnesses or the complainant's confidential counselor or any other employee who supported or supports them, shall become liable for corrective action including appropriate disciplinary action, which may even include dismissal from service.

All parties associated with an investigation of sexual harassment will be mandatorily obliged to maintain confidentiality. As it might not be possible to resolve a concern effectively without revealing the identity of the complainant, his / her identity will be disclosed only to the limited extent to facilitate the investigation process. All matters pertaining to Sexual Harassment will be investigated by a duly constituted Internal Committee (IC). For any investigation to take place the committee has to receive a complaint in writing. Where a complaint is received, and the complainant is not formally educated, the Internal Committee shall assist and guide the complainant in drafting the written complaint and proceed with the next steps as outlined under the Act.

The Company will take all steps to ensure that the career interest of both the parties will not be adversely affected merely on account of the complaint made to the Internal Committee pending investigation. However, if any action is to be taken depending on the complaint, to immediately stop the alleged acts of sexual harassment, they would be taken by the Company based on the recommendations of the Internal Committee.

Every employee will be mandatorily expected to first approach the Internal Committee constituted by the Company for resolution of any complaint of sexual harassment. Approaching any external forum or media for settlement of any grievance, without first exhausting the internal mechanisms provided for redressal of such grievance will be construed as misconduct under these rules.



## 4. DEFINITIONS

**4.1. Sexual Harassment** - Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co- workers. In course of their work, it may also occur between a VHC employee and a third-party person who is not employed by the Company but engaged by the company in any manner.

The definition of “Sexual Harassment” under the Act would be the guiding principle.

**4.1.1.** For this purpose, sexual harassment includes one or more of the following unwelcome sexually determined behaviors (whether directly or by implication) as:

- a. Physical contact and advances.
- b. A demand or request for sexual favors;
- c. Making unwelcome sexual advances, gestures or requests for sexual favors in person, through suggestions including using any electronic media and/or communication method such as E-mail, SMS, WhatsApp, etc.
- d. Sexually colored remarks.
- e. Showing pornography;
- f. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- g. Using any communication method or social networking sites viz. E-mail, SMS, WhatsApp, etc. for transmitting messages or pictures that are sexually explicit or implied in nature

Where any of these acts is committed in circumstances where the victim of such conduct has a reasonable apprehension that submission to such conduct is made, either implicitly or explicitly, a term or condition of employment;

- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making employment decisions or future employment status affecting an individual.
- Such conduct by an individual occupying a position of power, influence or authority over another has the purpose or effect of unreasonably interfering with the other individual’s performance or creating an intimidating, hostile or offensive environment; or
- Such conduct, occurring in the workplace, is offensive to a reasonable person and
- causes the recipient discomfort or humiliation and/or interferes with the recipient’s job performance.

**4.1.2.** Creating an intimidating, hostile or offensive working environment or atmosphere either by:

- Verbal conduct such as epithets, derogatory comments or remarks of a sexual nature about a person’s clothing or body, taunts, slurs, offers of employment or promotion benefits or monetary benefits in exchange for sexual favors, graphic commentary about a person’s physical attributes, use of profane, threatening or intimidating language; including calling employees by terms of endearment; using vulgar, kidding or demeaning language.
- Any unwanted physical contact of a sexual nature including sexually suggestive or offensive touching or deliberate brushing against another’s body. Also, conduct against any person, which tantamount to physical assault with intent to disrobe, hitting, kicking pushing, blocking normal movement or intentional physical interference with work.
- Visual conduct such as leering or the display of derogatory or sexually suggestive or explicit posters, photography, graffiti, drawings, gestures, inappropriate text messages with sexual contour or objects, sexually suggestive or obscene notes, letters, email, internet information, voyeurism.
- Making, publishing, transmitting or posting obscene or sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, WhatsApp, etc.
- Threats and insinuation that a person’s employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances or demands for sexual favors and /or enhanced if submitting to sexual advances or demands for sexual favors.
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes.
- Without any nexus to official work, the act of persistent watching, stalking, repeated contacting of a person despite objecting to such conduct.
- Offering and/or giving gifts or leaving objects that are sexually suggestive.
- Any other act, behavior (physical or otherwise) or conduct which in the opinion of judicial authorities is adjudicated as covered by the act as sexual harassment.



**4.1.3.** The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment; or
- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threats about present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment is likely to affect health or safety.

**4.2.** Aggrieved person/Complainant: In relation to a workplace, a person of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.

**4.3. Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved person

**4.4. Employee:** A person employed at the workplace, 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 by any other such name .

**4.5.** Any allegations of sexual harassment arising from 'out of office hours conduct' of the aggrieved person or the respondent will also be tested on the touchstone of such harassment being a consequence of/out of/from the relationship of the concerned parties as co-workers and the alleged complaint shall be treated as per this policy.

**4.6. Employer:** A person responsible for management, supervision and control of the workplace. It also covers a person discharging contractual obligations with respect to their employment.

## 5. POLICY SCOPE & IMPLEMENTATION

**5.1. Workplace:** For the purposes of this policy, the expression 'workplace' or 'at work' is not confined or limited to the actual working place of the employees, in the sense of the physical space in which paid work may be performed as per the prescribed duty hours. 'Workplace' or 'at work' would include inter alia, office parties, any place visited by employees, arising out of or during the course of employment (including transportation provided, if any), work-related social functions, phone calls, sending messages through cellular phones or email from home, even on an off day, or other contacts outside office hours and work-related interactions. Thus, it is not the physical workplace that would govern, but the 'access' that a perpetrator has to the recipient of sexually harassing behavior by virtue of a job situation or relation that is relevant.

**5.2. Communication:** The Company would give its employees an early introduction to this Policy. The Company would also take all requisite steps to ensure effective dissemination of this policy.

**5.3. Misconduct:** The Company shall treat commission of an act constituting sexual harassment by an employee as a disciplinary offence. Victimizing or retaliating against an employee for bringing a complaint of sexual harassment in good faith shall also be treated as a disciplinary offence.

**5.4. Training:** The Company recognizes the importance of training its employees, particularly supervisors and managers, so as to better equip them to effectively report and be sensitive to the cases or complaints of sexual harassment. The main objectives of such training would be to make the employees more sensitive to, and aware of the problem of sexual harassment and to understand the causes of sexual harassment as an issue; to enable them to take an objective and sensitive attitude to complaints of sexual harassment; impressing on them the need to maintain confidentiality; training them about their responsibility and the procedures they should follow on receiving a complaint of sexual harassment or on witnessing such conduct, and ensure that their workspace is devoid of sexual harassment. Further, to draw their attention to the dangers of exaggerated reckless and malicious complaints.



## 6. COMPLAINTS PROCEDURES

The methods of reporting an instance of sexual harassment can be both informal and formal. The Company takes cognizance of the fact that the victims of sexual harassment may be reluctant to complain or to make a formal written complaint against the harasser at the first instance, or the victim maybe unclear about the conduct being sexual harassment or not and therefore, provides the victim the avenue to seek guidance and counseling. It is clarified that until the victim agrees to file a formal complaint, this communication will not be treated as a formal complaint. Also, a formal procedure has been laid down which is as follows:

Any aggrieved person who has sufficient reason to believe that they are being sexually harassed, directly or indirectly, may submit a written complaint of the alleged incident to any representative of the Internal Committee, along with any documentary evidence available or names of witnesses, to initiate the inquiry.

**6. 1.** An aggrieved person can also address the complaint to -Internal complaints committee members, CHRO/ Ethics and compliance team through various mediums including Email, Call or in-person.

**6. 2.** Any incident of nature as explained in clause above, could be reported via e-mail to: [internalcomplaintscommittee@vidalhealth.com](mailto:internalcomplaintscommittee@vidalhealth.com).

**6. 3.** The complaint must be made within 3 months from the date of the incident/last incident.

**6. 4.** The Internal Committee can extend the timeline by another 3 months for reasons recorded in writing, if it is satisfied that there are bona fide reasons that prevented the aggrieved person from lodging the complaint.

**6. 5.** In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confidence) the facts of the complaint will be assessed in order to determine whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.

**6. 6.** Any employee who has knowledge of sexual harassment, or retaliation against a person who has reported sexual harassment, is required to report it to the Chief Human Resource Officer. Failure to report will result in appropriate disciplinary action.

**6. 7.** Where the aggrieved person is unable to make a complaint in writing, the Chairperson or any Member of the Internal Committee shall render all reasonable assistance to the employee for making the complaint in writing .

**6.7.1.** On account of their physical incapacity, a Complaint may be filed by:

- Their relative or friends or
- Their co-worker; or
- Any officer of the National Commission for Women or the State Women's commission (in case the aggrieved employee is a woman); or
- Any person who has knowledge of the incident with the written consent of the aggrieved person.

**6.7.2.** On account of their mental incapacity, a complaint may be filed by:

- Any person who has knowledge of the incident jointly with:
- Their relatives or friend; or
- A special educator; or
- A qualified psychiatrist or psychologist; or
- The guardian or authority under whose care they are receiving treatment or care.

**6.7.3.** Where the aggrieved person is for any other reason unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident with their written consent.

**6.7.4.** Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.



**6.8. Indiscipline conduct:** Care should be taken not to file malicious complaints with false allegations or use the IC as a platform for harassing any person, else, upon being reasonably satisfied about a wrong/baseless complaint by the complainant, the same shall be construed as indiscipline conduct. Accordingly, the IC shall refer the case to Disciplinary action committee for appropriate action in accordance with Disciplinary policy of the employer.

## 7. RECEIVING A COMPLAINT (Guidelines)

The incidents of harassment would have to be dealt with utmost sensitivity. Complainants may be embarrassed and distressed, and it requires empathy while receiving the complaint. The following points are to be kept in mind by the receiver of the complaint:

**7.1.** The concerns stated by the Complainant are listened to and the complainant is informed that the IC handles them with utmost seriousness. Complainant is informed that the concerns will be reported to the IC and follow-up will be done expeditiously. Situations are not to be prejudged by the recipient of the complaint.

**7.2.** Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, the care should be taken note the complainant's own words, wherever possible. Clear description of the incident to be recorded in simple and direct terms, and thereafter, the said recorded details are confirmed with the complainant. Where possible, the understanding of the complaint reflected in the notes written should be re-confirmed by the complainant.

**7.3.** All notes are to be kept strictly confidential. As per requisite, the complainant's acceptance shall be obtained before taking up the matter with IC.

**7.4.** The complainant should be advised that although the investigation process is confidential, the respondent needs to be informed, and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

**7.5. Formal procedure:** The complainant can opt to register a formal complaint at the first instance itself without resorting to the informal procedure.

**7.5.1.** To invoke the formal procedure the complainant shall give a written complaint against the alleged harasser to a member of the 'Internal Complaints Committee' established by the Company in terms of this policy or at [internalcomplaintscommittee@vidalhealth.com](mailto:internalcomplaintscommittee@vidalhealth.com). The complaint has to be filed within a period of three months from the date of the incident. The time limit can be extended by Internal Committee having regard to the reason for the delay, Bonafide intent, as well as the facts and circumstances surrounding the case.

**7.5.2.** The Internal Committee shall at all times be headed by a woman and not less than half of its members shall be women and would include a third party member, who is either an NGO or is an independent individual well versed with the issues of sexual harassment at workplace. A minimum quorum of 3 members is required to investigate complaints, including the External Member.

**7.5.3.** The Internal Committee will acknowledge the complaint being logged by the employee in not later than 48 hours on receipt of the complaint. Meeting frequency of the Internal Complaints Committee: The Internal Committee shall meet within seven (7) days of receiving the complaint. A minimum quorum of 3 members, comprising of at least two women representatives with one of them being the external woman representative, are required to be present for the meeting of the Internal Committee to take place.

**7.5.4.** On receipt of a formal written complaint, the Internal Committee shall investigate the complaint in order to determine whether a prima facie case exists against the respondent.

**7.5.5.** The investigation would ordinarily be concluded within 90 working days on the receipt of the formal written complaint by the Internal Committee. The action needs to be taken within 60 days of conclusion of investigation. In case the time period exceeds, the same will be clearly explained in the final report submitted by the Internal Committee.



## 7.6. Online- In Person Complaint Redressal Timeframe

Description	Time frame
Submission of Complaint	Within 3 months of the last incident
Completion of Inquiry	Within 90 days
Submission of Report by ICC/LCC to employer/District Officer	Within 10 days of completion of the inquiry
Implementation of Recommendations by employer	Within 60 days
Appeal	Within 90 days of the recommendations

**7.6.1.** This investigation would be conducted in a fair manner keeping in view the principles of natural justice and both complainant as well as the respondent would be given complete opportunities to present their case before the Internal Committee.

**7.6.2.** The complainant and the respondent shall have the right to be assisted and/or represented in the investigation by a colleague of their choice, employed with the Company. The Complainant or the Respondent will not be allowed to be represented by an outsider in the Internal Committee proceedings.

**7.6.3.** After completion of the proceedings, the Internal Committee will draft its report appreciating the evidence presented on the basis of statements of the parties, statements of witnesses, and documents, if any, relied upon.

**7.6.4.** The Internal Committee would keep track of all cases pertaining to complaints of sexual harassment at various stages and facilitate closure of such cases within the timeframe as per the requirements of law.

**7.6.5.** The Internal Committee would also maintain records of all cases pertaining to complaints of sexual harassment at work and report the outcome of investigations or enquiries as also action taken thereon to the Executive Management.

**7.7. 'Fairness' and 'Confidentiality'** Investigation or enquiry into complaints of sexual harassment would be conducted with due respect for the rights of both the complainant and the respondent. The entire process would be impartial and without any bias for or against any party. The Company stands committed to maintaining confidentiality to the extent reasonably possible. The Management will not disclose the name of the complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation thereto. To ensure confidentiality, the information obtained would be confined to the smallest group possible. Further, all the members of the Internal Committee have signed Confidentiality Agreements which are strictly binding. The importance of confidentiality would be emphasized to the witnesses as well. Responsibility to maintain confidentiality would lie on the complainant also. The complainant, thus, would also become part of the confidentiality process and should not discuss the issue with other persons except where it is necessary for substantiating the complaint or otherwise to secure a fair investigation into the complaint or discussing the issue with a counsel or the Internal Committee. Breach of confidentiality on the part of employees or the committee members involved in the investigative process would render them liable for disciplinary action.

**7.8. Penalty for Contravention:** if any person contravenes by disclosure of the complaint or recommendations as may be the case, the employer shall recover a sum of ₹5,000/-, as mentioned in the clause 12 of the revised notification issued in the gazette published on December 09, 2013 by the 'Ministry of Women & Child Development'. Further, such violation would be construed as "breach of trust" and the Employer shall have the discretion to initiate civil / criminal action against such person.

**7.9.** While it is important to maintain full confidentiality throughout the investigation/enquiry, the respondent would be provided with all relevant details of the complaint made against him or her and a reasonable opportunity, to respond and defend himself.



### 7.10. Action against Internal Committee:

Where the Chairperson or any Member of the Internal Committee acts in any manner as set out below:

- contravenes the provisions of this Policy; or
- has been convicted for an offense or an inquiry into an offence pending against them, under any law for the time being in force; or
- they have been found guilty in any disciplinary proceedings, or a disciplinary proceeding is pending against them; or
- have abused their position as to render their continuance in office prejudicial to the public interest.

Such Chairperson or Member, as may be the case, may be removed from the Internal Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the selection process set out in this Policy.

## 8. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

**8.1. Disciplinary Action:** If the result of the investigation/enquiry holds the respondent guilty of an act constituting sexual harassment, the Management shall take appropriate disciplinary action against the harasser as per the Code of Conduct which is as follows:

- Verbal Warning
- Written Warning
- Suspension
- Termination of employment
- Litigation
- Imposition of damages
- Any other penal remedy that may be available to the company under the applicable law of the country where the act has been committed.

**8.2. Transfer of One Party:** Where after enquiry or investigation a complaint of sexual harassment is upheld and it is found necessary to relocate or transfer one party, the Management would give option to the victim in this regard or transfer the Respondent to another office or location. Management may also look into any other steps as may be suitable to ensure that the complainant does not get victimized further.

**8.3. Criminal Proceedings:** If the Respondent's conduct amounts to a serious offence under the criminal law, the Management based on the consent of the victim will help her lodge a complaint with the appropriate authority.

**8.4. False Accusations:** In case the Committee is of the opinion that the complaint was false and malicious, appropriate disciplinary action up to termination could be taken against the complainant. The committee will give a detailed reasoning for having reached the above conclusion. This does not, however, include complaints which are difficult to prove or have been made in good faith, but do not constitute false sexual harassment.

**8.5. 'Third-party Harassment'** The Company also stands committed to take appropriate protective and remedial action to prevent sexual harassment of its employees by non-employees. Where sexual harassment occurs as a result of an act by any third party or outsider, the Management would take all steps necessary and reasonable to assist the victim in terms of support and preventive action. Should any employee face sexually harassing behavior at work from a third party, such as a client or customer of the Company, the Management would take appropriate corrective or remedial action. However, it would be necessary for the complainant/recipient to promptly report such harassment to the Management or the designated officers, so as to enable the Management to take appropriate action.

**8.6. Resolution through conciliation:** Resolution needs to happen within 14 (fourteen) working days of receipt of the complaint. The Internal Committee to provide copies of the settlement to the complainant & the respondent. Once the action is implemented, no further inquiry is to be conducted.

### 8.7. Manner of Inquiry into the complaint

- Subject to the provisions at the time of filing the complaint for sexual harassment, the complainant shall submit to the Internal Committee, a copy of the complaint along with supporting documents and the names and addresses of the witnesses.
- On receipt of the complaint, the Internal Committee shall send one (1) copy to the Respondent within a period of seven (7) days.
- The Respondent shall file their reply to the complaint along with the list of documents, names and addresses of witnesses within a period not exceeding ten (10) working days from the date of the receipt of the complaint from the Internal Committee.
- No legal practitioner is permitted to represent any party in their case at any stage of the proceedings before the Internal Committee.
- The Internal Committee shall make an inquiry into the complaint in accordance with the principles of natural justice and for this purpose the Internal Committee shall have the same powers as are vested in a Civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of matters namely.
- Summoning and enforcing the attendance of any person and examining them on oath.
- Requiring the discovery and production of documents; and
- Any other matter which may be prescribed.
- In conducting the inquiry, a minimum of three members of the Internal Committee including the Chairperson shall be present.
- Under no circumstances can the confidentiality of the information be compromised in any manner whatsoever with any person who is not associated with the inquiry, except with the committee and related senior management team. Breach of confidentiality shall be treated as misconduct which will be dealt with, in accordance with Disciplinary rules of the employer.

### 8.8. Interim relief to complainant during the pendency of inquiry by the Internal Committee

During the Pendency of an Inquiry and based on a written request made by the complainant, the Internal Committee may recommend the Chief Human Resource Officer to:

- Transfer the complainant or the respondent to any other workplace or
- Grant leave to the complainant up to a period of three months, in addition to the leave they would be otherwise entitled.
- Grant such other relief to the complainant as may be appropriate once the recommendations of interim relief are implemented (the employer will inform the committee regarding the same).
- Prevent the respondent from assessing complainant's work performance.

### 8.9. Termination Of Inquiry

The Internal Complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-prate decision on the complaint, if the complainant or the respondent fails, without sufficient reason, to present themselves for three (3) consecutive hearings convened by the Chairperson or the Presiding officer, as the case may be. Provided that such termination or ex-prate order may not be passed without giving a notice in writing, fifteen (15) days in advance to the accused party.



## 8.10. Inquiry Procedure

- All proceedings of the inquiry shall be documented. At the first meeting, the Internal Committee members shall hear the complainant and record the complainant's allegations. The complainant can also submit any corroborative material with a documentary (both physical and/or electronic) proof, oral or written material, etc., to substantiate the complaint.
- If the complainant does not wish to divulge personally due to embarrassment of narration of event, any officer as representative of the complainant may act on the complainant's behalf for the purpose of recording the statement.
- The Internal Committee shall prepare and hand over the statement of allegations to the person against whom the complaint is made and give them an opportunity to submit a written explanation if they so desire, within seven (7) working days from receipt of the statement. The respondent shall be provided with full opportunity to respond and submit evidence, if any.
- The IC interviews the respondent separately and impartially. IC states exactly what the allegation is and who has made the allegation.
- If the complainant or respondent against whom complaint is made desires any witness (es) to be called, the same shall be communicated in writing to the Internal Committee along with the names of the proposed witness(es).
- If the Complainant desires to tender any documents by way of evidence before the IC, they shall submit original copies of such documents. Both shall affix their signatures on the respective documents to certify these to be original copies.
- The Internal Committee is required to review the authenticity of the documents/ evidence provided to them by either of the parties. They are also required to meet with the witnesses and record their statements.
- If the complainant or respondent desires to cross-examine any witnesses, the IC shall facilitate the same and record the statements. In case complainant or respondent seeks to ask questions to the other party, they may give the questions to the IC who shall ask them and record the statement of the other party,
- The Internal Committee may call upon any documents (both physical and electronic) including but not limited to video/audio recordings, photographs, e-mails, text messages, WhatsApp (stored on handsets), mobile statements, credit card statements etc. which they deem can serve as evidence.
- The Internal Committee shall review the inquiry and thereupon make a conclusion as to whether or not disciplinary or corrective action is warranted. Total time period for the entire inquiry should normally not exceed ninety (90) working days from the date on which the IC received the complaint

## 8.11. Considerations while preparing inquiry report

- While preparing the findings/recommendations, following are considered:
- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard;
- A copy of the proceedings was made available to both parties enabling them to make representation against the findings.
- A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

## 8.12. Actions to be taken after inquiry

Post the inquiry the IC shall submit its report containing the findings and recommendations to the employer, within ten (10) working days of completion of the inquiry. The findings and recommendations are reached from the facts established and is recorded accurately. The documents pertaining to the inquiry shall be maintained by the Human Resource Department and will be securely stored for future reference.



### 8.13. Complaint Unsubstantiated

Where the Internal Committee arrives at the conclusion that the allegation against the accused party has not been proved, it shall recommend to the Chief Human Resource Officer that no action is required to be taken in the matter. Further, the IC ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither party will be disadvantaged by the Employer.

In the event, the complaint does not fall under the purview of Sexual Harassment, or the complaint does not mean an offence of Sexual Harassment, the same would be referred for taking up under the Disciplinary Policy.

### 8.14. Complaint Substantiated

**8.14.1** Upon completion of inquiry, a detailed report with recommendation shall be prepared and submitted to the concerned person(s) by the Chief Human Resource Officer.

**8.14.2** The disciplinary action initiated against the person(s) found guilty of sexual harassment and the decision taken therefrom, shall be final and binding.

**8.14.3** Where the Internal Committee arrives at the conclusion that the allegation against the accused party has been proved, the IC may provide its recommendations to the Chief Human Resource Officer to take necessary action for sexual harassment as misconduct, in accordance with the applicable laws, rules and policies, and this may include:

- Counselling;
- Written apology to be tendered by the Accused (respondent);
- Termination;
- Change of location/duty/demotion;
- Withholding of benefits and perks, and/or promotion;
- Written warning;
- criminal proceedings;
- Any other appropriate action as may deem fit under the policy

**8.15.** The Chief Human Resources Officer at VHC to act upon the recommendations within sixty (60) working days and confirm to the Internal Committee.

**8.16.** Post implementation of the actions, follow up to be done with the complainant to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is to be undertaken by the complainant's Line Manager supported by HR.

**8.17.** Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all necessary and reasonable steps to assist the affected person in terms of psychological, legal and financial support.

- In case the Internal Committee finds the degree of offence within the scope of the Indian Penal Code, 1860; then this fact shall be mentioned in its report and appropriate legal recourse shall be sought by the Management in such cases. The company will provide assistance to the complainant, as deemed fit under the circumstances, to provide legal recourse if required.

## 9. APPEAL

Any party aggrieved by implementation or non-implementation of recommendations made by the Internal Committee may appeal to the appellate authority in accordance with the provisions of the Acts and rules, within ninety (90) working days of the recommendations being communicated.

## 10. PROHIBITION OF RETALIATION

Retaliation of any kind against anyone who is involved in the inquiry of, or in making an allegation of sexual harassment, is prohibited and will result in disciplinary action against the retaliator, including termination of employment.



## 11. REPORTING FORMAT

Sr. No	Location	Severity	Related dept. where the incident has occurred	Name of Investigating committee	Investigation start date	Current status	Detailed update	Closure Date	Closure TAT
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Sr. No	Incident category	Severity	Related dept. where the incident has occurred	Legal recourse initiation date	Detailed update	Case success status	If closed, then status on the outcome	Resolution TAT	Case learning and recommendations to the internal governance committee
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## 12. MISCELLANEOUS

- Reporting of Internal Committee: The committee carrying out the inquiry will report to the Internal Committee. If required, they may seek assistance from any other department other than the department from where the complaint has been received.
- Grievance against any member of Internal Complaints Committee Representation should be addressed to the Chairman of the organization.
- The company will make appropriate arrangement to facilitate the inquiry by the Internal Complaints Committee.

## 13. MIS & REPORTING GUIDELINES

All inquiries will be tracked and reported via a monthly dashboard to the Chairman and all sensitivity with regards to investigations shall be adhered to and reasonable judgment shall be exercised on the disclosure of facts in each case.

All cases which are not resolved through the internal governance mechanism due to the need for legal recourse shall also be tracked and reported by the Legal department as per the progress made at regular intervals. This would be shared with the Chairman periodically.

## 14. PREPARATION OF ANNUAL REPORT

The Annual Report shall have the following details and will be shared with Chairman by the HR Department.

- Number of complaints of sexual harassment received in the year;
- Number of complaints disposed off during the year;
- Number of cases pending for more than 90 days;
- Number of workshops or awareness programs against sexual harassment carried out;
- Nature of action taken by the employer.

## 15. INTERNAL COMMITTEE MEMBERS

It is also stated here that the Internal Committee Members have signed a Confidentiality Agreement and are bound to maintain strict and absolute confidentiality with respect to any aspect of the case and no details how so ever minor will be discussed with any person outside of the Internal Committee and the parties involved. Any violation of the Confidentiality Agreement would be dealt with strictly and could attract serious consequences. Further the responsibilities carried out as part of this committee does not mandate any hierarchical reporting.

- In line with the above, Internal Committee has been constituted in each of the locations. (Annexure-1)
- The details of the Internal Committee members will be displayed on notice boards and email sent to all employees as and when there is a change in the committee.

## INTERNAL COMPLAINTS COMMITTEE

The Internal Complaints Committee shall be reconstituted on yearly basis for dealing with cases of Sexual Harassment at workplace in accordance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013 and Visakha Guidelines for **VHC**.

An aggrieved employee can send mail to email id: **internalcomplaintscommittee@vidalhealth.com** or reach out to committee members or HR team.

### Head Office, Bangalore

Sl. No.	Name	Designation on committee	Email id
1	Sandhya Rani G	Chairman	Sandhya.rani@vidalhealth.com
2	Ms. Chhavi Ajay Saraf	Member	chhavi.saraf@vidalhealth.com
3	Ms. Prathima Sreenivasan	Member-HR	prathima.s@vidalhealth.com
4	Anupama Menon	Member-Legal	Anupama.menon@vidalhealth.com
5	Ms. Shan Kohli	External Member	NGO member

## INTERNAL COMPLAINTS COMMITTEE

The smaller branch offices not mentioned in this will have the same Internal Complaints committee as Head office. You may approach the committee members or HR in case of any complaints. The same will be dealt with strict confidentiality. The policy on the same is circulated to all employees and available in HRMS and Notice Boards.

## AMENDMENT

The policy shall be reviewed annually and any changes in applicable laws relating to this policy shall be incorporated into this policy. Any changes introduced to this policy must be approved by the Board of Directors.