

LatentView Analytics Limited

The Policy for Prevention, Prohibition and Redressal of Sexual Harassment at Workplace – Version

3

INTRODUCTION

LatentView Analytics Limited (“**Company**”) is committed to providing equal opportunity to its Employees (*as defined hereunder*) and strives at creating a healthy working environment that enables Employees to work without fear of prejudice, gender bias and Sexual Harassment (*as defined hereunder*).

The Company has put in place, a policy for Prevention, Prohibition and Redressal of Sexual Harassment at Workplace (“**Policy**”) to address any cases of Sexual Harassment, in the interest of ensuring gender equality and the right to work with dignity, which are both recognized as basic human rights. Sexual harassment is a grave offence and is, therefore, punishable. The Company has ensured that the Policy is extended to all the Employees of the Company by making it gender neutral.

The Policy is made and amended from time to time by Company under the overall ambit and in accordance with the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (“**Act**”).

Considering the Covid-19 pandemic situation, the Company has, in discussions with the board of directors and the shareholders of the Company, decided to introduce a different model for employing the Employees. The Company has introduced a work from home (“WFH”) model for Employees to continue being employed with the Company. Apart from this, the Company has still retained the work from office model of employment.

Irrespective of whether an Employee opts for the WFH model or the work from office model, this Policy shall equally and fairly apply to all Employees and any Employee facing Sexual Harassment shall make a complaint and shall be governed in the manner provided under this policy.

In recognition of the same, this Policy shall be interpreted as applicable to relevant Employees.

I. **OBJECTIVE OF THE POLICY:**

The objective of this Policy is aimed at educating Employees of their rights against any form of unwelcome sexual behaviour and to provide firm yardsticks that shall not be crossed while in employment with the Company which results in promotion of the well-being, and provide a clean and safe work environment to Employees against any misbehaviour and nurturing a workplace environment free of Sexual Harassment.

Focus would be to ensure that all allegations of Sexual Harassment are investigated and dealt with effectively, appropriately as well as promptly.

II. **DEFINITIONS:**

- a) “**Act**” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 as may be amended from time to time.

- b) “**Aggrieved Employee**”: in relation to Workplace, a woman or a man, of any age whether currently employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent;
- c) “**Company**” means LatentView Analytics Limited
- d) “**Complainant**” shall mean an Employee who has alleged or lodged a complaint of Sexual Harassment at Workplace
- e) “**Employee**” means a person, both men and women, employed at a Workplace (*as defined hereunder*) or a consultant engaged by the Company for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the Company, 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, part-time worker, temporary worker, probationer, trainee, apprentice, intern or called by any other such name;
- f) “**Employer**”: means the Company;
- g) “**Internal Complaints Committee**” (“**ICC**”): means an Internal Complaints Committee constituted by under the Policy per the provisions of the Act. The Members of the ICC are as set out in **Annexure A** herein below.
- h) “**Member**”: means a Member of the ICC appointed in accordance with the provisions of the Act;
- i) “**Policy**” means this policy for Prevention, Prohibition and Redressal of Sexual Harassment at Workplace
- j) “**Presiding Officer**”: means the Presiding Officer of the ICC nominated per sub-section (2) of section 4 of the Act;
- k) “**Respondent**”: means a person against whom a complaint for Sexual Harassment has been lodged by the Complainant;
- l) “**Sexual Harassment**”: includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - a. Physical contact and advances; or
 - b. A demand or request for sexual favors; or
 - c. Making sexually colored remarks; or
 - d. Showing pornography; or
 - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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:

- a. Implied or explicit promise of preferential treatment in her/his employment; or
- b. Implied or explicit threat of detrimental treatment in her/his employment; or

Internal: Confidential

- c. Implied or explicit threat about her/his present or future employment status; or
- d. Interference with her/his work or creating an intimidating or offensive or hostile work environment for her; or
- e. Humiliating treatment likely to affect her/his health or safety.

In light of the WFH model adopted by the Company, the following shall also be included, without limitation, under the ambit of what constitutes or amounts to Sexual Harassment:

- a. using inappropriate language, words, emoticons etc. during messages;
- b. Making requests for unnecessary late night phone calls under the pretext of work;
- c. making advances through private messaging during work calls;
- d. taking screenshots of an Employee during video calls;
- e. insisting on switching on the video camera when an Employee clearly has adverse situation where in they cannot switch on the video camera;
- f. Making sexually suggestive remarks, inappropriate questions, suggestions or remarks;
- g. unwelcome online invitations, flirting, spreading rumours about a person etc.;
- h. online stalking;

Every Employee is to bear in mind that the above are merely indicators of what could be Sexual Harassment and is not an exhaustive explanation of its ambit.

- m) **“Workplace”**: means and includes any private/public sector organization or a private/public venture, departments, undertakings, establishments, enterprises, institutions, offices, branches, units and workshops which is established, owned, controlled, or wholly or substantially financed by the Company in India, or in any official gathering or event organized by the Company. It also includes any place visited by the Employee arising out of or during the course of employment, including transportation provided by the Company for undertaking the journey. The same also includes the house, or any other premises that an employee is working from pursuant to the WFH model as the same amounts to notional extension of what constitutes a Workplace.

III. PRE-REQUISITES FOR FILING A COMPLAINT

- i) The Aggrieved Employee should be a person, who is authorized to be associated with the Company, including but not limited to regular, temporary, ad-hoc employees, consultants, interns, and executive / management trainee;
- ii) There should have been an act of unwelcome sexual behaviour falling within the ambit of ‘Sexual Harassment’;
- iii) The alleged act of Sexual Harassment should have been committed in the Company premises or during the course of employment or areas which can be termed as a notional extension of the Company premises such is Company transportation, Company offsite, etc;

IV. INTERNAL COMPLAINTS COMMITTEE (ICC)

- a) ICC is being constituted to ensure an effective mechanism of redressal of any grievance against Sexual Harassment that may be faced by an Employee during the course of their employment with the Company.
- b) The ICC shall consist of the following Members to be nominated by the Company, namely

Internal: Confidential

- i. A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;
- ii. not less than two Members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- iii. one Member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment.

However, at least one-half of the total Members so nominated shall be women.

- c) The details of the members are as set out in **Annexure A** herein below.
- d) Every member of the ICC shall hold office for a period not exceeding three (3) years, from the date of their nomination as may be specified by the Company. Further, in the event of any change in the composition of the ICC, the Company shall notify, on the notice board of the Company, the amended list of members of ICC.

V. DISQUALIFICATION OF MEMBERS OR PRESIDING OFFICER OF ICC

- a) If the Presiding Officer or any Member of the ICC:
 - i. contravenes the provisions of section 16 (Prohibition of publication or making known contents of complaint and inquiry proceedings) of the Act or Clause XI (Confidentiality) of this Policy; or
 - ii. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
 - iii. he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - iv. has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be shall be removed from the ICC and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the Act.

VI. PROCEDURE FOR COMPLAINT

- a) Complainant can file a written complaint, in the form as provided in **Annexure B** herein below, (6 copies) with the ICC within three (3) months of the last occurrence of the alleged incident of Sexual Harassment.
- b) However, at the sole discretion of the ICC, the time limit can be extended for a further period of 3 months if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- c) Any person can make a complaint on behalf of the Aggrieved Employee in the instance that the Aggrieved Employee is unable to make such a complaint.

VII. INQUIRY PROCEEDINGS & OUTCOME OF THE COMPLAINT

- a) **Conciliation Proceedings:** The ICC may, before initiating an enquiry and at the request of the

Internal: Confidential

Complainant, take steps to settle the matter through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. In the case of a domestic worker, if prima facie case exist, the complaint shall be forwarded to the police, within a period of seven (7) days for registering the case under section 509 of the Indian Penal Code, 1860, and any other provisions of the said code where applicable. Where a settlement has been arrived during conciliation, the ICC shall record the settlement and forward the same to the Company requiring them to take actions as specified in the record. Further, it is to be noted that if a settlement via conciliation is arrived at, no further investigation process will be conducted by the ICC. However, if the terms arrived during conciliation have not been complied with by the Respondent, the ICC shall proceed to make an enquiry into the complaint. A copy of the settlement as recorded during conciliation shall be provided to both the parties.

- b) Subject to sub-clause (a) above, the ICC shall, per the powers vested through the Act, where the Respondent is an Employee, proceed to make inquiry into the complaint and evaluate if there is a *prima facie* case or not. However, keeping in mind the sensitivity of the case, the ICC shall not subject the Complainant to an enquiry more than once, unless the complexity of the complaint requires so.
- c) Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the ICC.
- d) Considering the WFH model, the ICC shall hold the inquiries online, while seeking permission from all parties involved to record the call. A copy of the call is then emailed to be Complainant and Respondent, and acknowledgement shall be sought from them.
- e) The ICC shall, after completing the inquiry, submit its recommendations to the Company in respect of the penalty to be imposed and other further actions to be taken (refer to **Annexure C** for the ICC Report Format). The inquiry report, which also specifies the recommendations, shall be provided within ten (10) days from completion of the inquiry by the ICC. These actions could include but not limited to the following:
 - i. A letter of warning that will be placed in the personal file of the accused.
 - ii. Immediate transfer or suspension without pay or both. However, considering the WFH scenario, they could be made to work on different teams.
 - iii. Cash Fine.
 - iv. Stoppage of increment with or without cumulative effect.
 - v. Reduction in rank.
 - vi. Termination/dismissal from the services of the Company.
 - vii. Filing a Complaint before the relevant police station/Court.
 - viii. Any other action that the ICC may deem commensurate to the misconduct.
- f) The Company shall act upon the recommendations provided under the inquiry report within sixty (60) days of its receipt by the Company.
- g) Interim Relief: During the pendency of the inquiry, on a written request made by the Complainant, the ICC may recommend to the Company to:

Internal: Confidential

- i. Transfer the Complainant or the respondent to any other workplace; or
 - ii. Grant leave to the Complainant up to a period of three (3) months shall not be inclusive of the leave such Complainant may be otherwise entitled to per law; or
 - iii. Grant such other relief to the Complainant as may be prescribed.
- h) If ICC is of the opinion that the complaint has been falsely filed, or if any document or evidence relevant with the complaint has been fabricated, the person falsifying shall be subject to firm disciplinary action, which may include dismissal from the services of the Company.

VIII. DETERMINATION OF COMPENSATION

For the purpose of determining the sums to be paid to the Aggrieved Employee, the IC, shall have regard to:

- i. The mental trauma, pain, suffering and emotional distress caused to the Aggrieved Employee;
- ii. the loss in the career opportunity due to the incident of Sexual Harassment;
- iii. medical expenses incurred by the victim for physical or psychiatric treatment;
- iv. the income and financial status of the Respondent;
- v. feasibility of such payment in lump sum or in instalments.

IX. APPEAL

If an aggrieved party is dissatisfied with the outcome of the investigation conducted by the ICC, the aggrieved party shall have the right to file an appeal with a court or tribunal within 90 (ninety) days of the recommendations provided in the inquiry report by the ICC. The Company will provide assistance to the aggrieved party for the same.

X. ASSURANCE OF NON-RETALIATION

This Policy seeks to encourage all Employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaints of Sexual Harassment. Regardless of the outcome of the complaint made in good faith, the Employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of Sexual Harassment, the ICC shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused/Respondent. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the accused against the Complainant while the investigation is in progress should be reported by the Complainant to the ICC as soon as possible. Disciplinary action will be taken by the ICC against any such complaints which are found genuine.

XI. CONFIDENTIALITY

The Company will do everything consistent with enforcement of this Policy and with the law to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly. All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to serious disciplinary action.

XII. SUPPORT

As the Company is dedicated to safeguard its Employees within the workplace and otherwise, if any Employee is facing any form of Sexual Harassment from any person outside the purview of the Company's investigative and redressal process, the Company will extend necessary support to the Employee in any action that such Employee intends to take under law.

XIII. OBLIGATIONS OF THE COMPANY

- a. The Company shall:
 - i. display at a conspicuous place in the Workplace, the penal consequences of Sexual Harassment, and the order constituting, the ICC
 - ii. organise workshops and awareness programmes at regular intervals for sensitising the Employees with the provisions of the Act, this Policy;
 - iii. organise orientation programmes for the Members of the ICC to sensitise them regarding this Policy, the provisions of the Act, handling complaints, etc;
 - iv. provide necessary facilities to the ICC, for dealing with the complaint and conducting an inquiry;
 - v. assist in securing the attendance of Respondent and witnesses before the ICC;
 - vi. make available such information to the ICC as it may require having regard to the complaint made by an Aggrieved Employee;
 - vii. provide assistance to the Aggrieved Employee if he/she so chooses to file a complaint in relation to the offence under any law for the time being in force;
 - viii. cause to initiate action, under any law for the time being in force, against the perpetrator, or if the Aggrieved Employee so desires, where the perpetrator is not an Employee, in the Workplace at which the incident of Sexual Harassment took place;
 - ix. treat Sexual Harassment as a misconduct under the Company rules and initiate action for such misconduct;
 - x. monitor the timely submission of reports by the ICC.

XIV. ANNUAL REPORT

- a. The ICC 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 Company and the District Officer;
- b. The Company shall include in its report the number of cases filed, if any and their disposal under the Act in the annual report of the organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer
- c. The District Officer shall forward a brief report on the annual reports received under sub-section (a) of this Clause XIV, to the State Government.

XV. IMPORTANT

Every employee is requested sign the acknowledgement in **Annexure D** and return the same to the HR Team on or before expiry of 30 days from the date of issue of this Policy.

XVI. MODIFICATIONS OF THIS POLICY

- a. The Company reserves the right to alter, amend, modify, add, vary or substitute any of the provisions of the Policy at any time.
- b. If any of the provisions contained herein are found to be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

For and on behalf of the Company

Name:

Designation:

ANNEXURE A

Details of Members of the Internal Complaints Committee

Emp No	Name	Location	Email ID	Mobile No
Internal Complaints Committee				
2531	Muthuvel Murugan B	India	muthuvel.murugan@latentview.com	9940308748
1114	Shalabh	US	shalabh@latentview.com	001 212 380 7591
2339	Mahalakshmi Nageswaran (Presiding Officer)	India	mahalakshmi.nageswaran@latentview.com	9742070339
2214	Urmila Kishore	India	urmila.kishore@latentview.com	8072123535
External Member	Kavitha Pancholi		kavitha.pancholi@icul.in	044 4218 7856

Internal: Confidential

ANNEXURE B

Format of Complaint

Incident Reporting Format	
Name of the Complainant/Victim:	
Incident Reported against (Name of the Respondent):	
Date of Reporting	
Incident Details:	
What happened?	

Who was involved?	
When did the incident take place?	
Where did the incident take place?	
How did you get to know this?	
Was it the first time this has occurred or has it happened previously?	
Any witnesses? If yes, please share their names?	
Is there any other physical evidence or documents of the incident?	
If yes, please attach the document or evidence	
Anything else that you would want to mention?	

(Signature of the Complainant/ Victim)

ANNEXURE C

Internal Complaints Committee Report Format
Brief of the Incident reported:

Details of the Investigation Conducted:

--

Findings:

--

Disciplinary Action to be taken

--

Internal Complaints Committee Report Format

--

Were the Investigation Findings and Decisions communicated to the Harasser?

Yes / No

Name & Signature of Enquiry Committee Members:
Date of Closure of Investigation:
Documents / evidence attachments:

Signature of the Committee Members

ANNEXURE D

Receipt and Acknowledgement

This is to acknowledge that I have received an e-copy of the Company's Policy against Sexual Harassment. I understand and agree that it is my responsibility to read and familiarize myself with all of the provisions of the Policy.

I understand that the provisions of this Policy and acknowledge that the Company reserves the right to amend, modify, rescind, delete, supplement or add to the provisions of this Policy as it deems appropriate from time to time in its sole and absolute discretion.

I am committed to abide by the Policy and to act in a professional manner that will respect the dignity of my colleagues, seniors, subordinates & visitors.

Date: [●]

Signed: [●]

(Employee)

