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Policy on Protection of Women from Sexual Harassment at
Workplace

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Policy on Sexual Harassment at workplace (Prevention, Prohibition and Redressal)

1. PREFACE

A safe workplace is therefore a woman's legal right. Indeed, the Constitutional doctrine of equality and personal liberty is contained in Articles 14, 15 and 21 of the Indian Constitution. These articles ensure a person's right to equal protection under the law, to live a life free from discrimination on any ground and to protection of life and personal liberty.

Having raised the bar of responsibility and accountability in the Vishaka Guidelines, the Supreme Court placed an obligation on workplaces, institutions and those in positions of responsibility, to uphold working women's fundamental right to equality and dignity at the workplace.

In 2013, the Government of India notified the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (referred to as Act hereinafter). Consistent with the Vishaka judgment, the Act aspires to ensure women's right to workplace equality, free from sexual harassment through compliance with the above mentioned three elements which came into force on 9th December 2013.

2. OBJECTIVES

To fulfill the directive of the Supreme Court of India and in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013 enacted by Government of India enjoining all employers to develop and implement a policy against sexual harassment of women at the workplace.

Popular Estate Management Limited intends to promote a safe working environment that is conducive to the professional growth of its employees. Hence Popular Estate Management Limited adopts and implements the Prevention, prohibition and redressal from Sexual Harassment at workplace policy giving justice and affording fair treatment to women whether employed or not, as an ideal employer.

3. APPLICABILITY

The Policy applies to, in relation to a workplace, a woman, of any age whether employed or not, all categories of employees of the company, including permanent, management, workmen, trainees, probationers and contract employees of all cadres at its workplace or outside on official duty.

While sexual harassment occurs to those who are covered under the policy, as a result of an act by a third party or outsider while on official duty, the Company will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

4. DEFINITIONS

(a) **Sexual Harassment:** The following shall constitute sexual harassment:

- a) Physical contact and advances;
- b) A demand or request for sexual favors;
- c) Making sexually colored remarks;
- d) Showing pornography;
- e) Any other unwelcome physical; verbal or non-verbal conduct of sexual nature shall include but not be limited to loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and /or effect of interfering with a woman's work or performance or of creating an intimidating, hostile or offensive employment or living environment.
- f) Implied or explicit promise of preferential treatment in her employment;
- g) Implied or explicit threat of detrimental treatment in her employment;
- h) Implied or explicit threat about her present or future employment status;
- i) Humiliating treatment likely to affect her health or safety.

(b) **Jurisdiction/applicability:** The following shall be included within the jurisdiction for the purposes of applicability of this policy:

- a. Workplaces at different locations and sites.
- b. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
- c. Any other place including its branch offices which may be recognized by Company as its place of work from time to time.

(c) **Staff/Employees:** The following will be covered under this policy

- a) Regular employees
- b) Temporary/part time/adhoc employees/daily wage earners either directly or through an agent/contractor whether for remuneration or not
- c) Trainees/apprentices/probationer
- d) Directors

(d) **Key Managerial Personnel:** in relation to a company, means—

- (i) the Chief Executive Officer or the managing director or the manager;
- (ii) the company secretary;
- (iii) the whole-time director;
- (iv) the Chief Financial Officer; and
- (v) such other officer as may be prescribed;

(e) **Employer:** Employer refers to Popular Estate Management Limited.

5. RESPONSIBILITY OF AS EMPLOYER

- i) Ensure a safe working environment free from Sexual Harassment for women including prevention and deterrence of Sexual Harassment.
- ii) Ensure awareness and orientation on the issue;
- iii) Constitute Complaints Committee so that every working woman is provided with a mechanism for redress of her complaint(s);
- iv) Ensure Complaints Committees are trained in both skill and capacity;
- v) Prepare an annual report and report to the appropriate authority;

6. PROCEDURE FOR REGISTERING COMPLAINTS

- a) All allegations of sexual harassment shall be reported to the Human Resource Department (HRD) or in his absence any one of the Key Managerial Personnels (hereinafter termed as the Authorised Person) of the company in writing
- b) It may either be typed or written in a legible handwriting in English in which aggrieved person shall invariably mention his name.
- c) It may either be handed over in person to the Authorised Person or may be sent by courier/post in a sealed cover.
- d) The aggrieved person shall make a complaint within the period of three months from the date of incident and in case of a series of incidents, within a period three months from the date of last incident. However, the aggrieved person is requested to make the complaint immediately after the incident so as to avoid the further humiliation.
- e) Within ten days of the receipt of a complaint, the concerned Department must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the defendant and/or any other relevant person to determine whether an enquiry by the Department is to be instituted. If the department considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him in the prescribed form for the purpose.

7. TIME PERIOD

Inquiry to be completed within 90 days: - The enquiry shall be completed and the Enquiry Report shall be prepared within a period of 90 days from the date on which the enquiry is commenced.

In the event of any delay in submission of the Enquiry Report the reasons for the same shall be recorded in writing.

8. PENALTIES

- i) Any employee of Popular Estate Management Limited, found guilty under this policy shall be liable for disciplinary action.

- ii) The penalties listed below are indicative, and shall not constrain from considering others, in accordance with the rules governing the conduct of all employees of the Company.
- a. Dismissal
 - b. Denial of re-employment
 - c. Stopping of increments/promotion
 - d. Demotions/Transfer
 - e. Withdrawal of residential facilities etc. and prohibition from entry on the campus etc.

9. MALICIOUS COMPLAINTS

Where the Committee arrives at a conclusion that the allegation against the respondent is malicious including the production of forged or misleading documents during proceedings, the committee may take action against the woman or person producing forged documents as per the service rules applicable or where no such service rules exist in such manner as may be prescribed by the employer.

10. AUTHORITY FOR APPROVAL OF POLICY

The Board shall have the authority for approval of this policy in pursuance to this Regulation.

11. AUTHORITY TO MAKE ALTERATIONS TO THE POLICY

The Board is authorized to make such alterations to this Policy as considered appropriate, subject, however, to the condition that such alterations shall be in consonance with the provisions of the Acts and Regulations.

12. EFFECTIVE DATE

The policy will be effective with effect from the date of approval by the Board.

13. DISCLAIMER

Nothing contained in this Policy shall operate in derogation of any law for the time being in force or of any other regulation in force.

In any circumstance where the terms of this Policy differ from any applicable law governing the Company, such applicable law will take precedence over this Policy and procedures until such time as this Policy is modified in conformity with the Applicable Law.

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