



# **Prevention of Sexual Harassment at Workplace**

## **POSHA**

June 15, 2023

Version 1.9



This document of Conga is for restricted circulation. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means - recording, photocopying, electronic & mechanical without prior written permission of Conga.

### Approval / Revision History

Revision	Effective Date	Comments/Revision Details
1.1	Feb 1st, 2018	Original Policy in the Template
1.2	April 1st, 2018	New Committee Members Updated
1.3	Nov 13th, 2018	New Committee Members Updated
1.4	April 4th, 2019	Committee Members Updated
1.5	June 18th, 2019	Committee Members Updated
1.6	May 4 <sup>th</sup> , 2020	Committee Member Updated
1.7	Jan 6 <sup>th</sup> , 2021	<ul style="list-style-type: none"> <li>• Committee Members Updated</li> <li>• Addition on Clause for WFH</li> <li>• Company Name Updated (Apttus to Conga)</li> </ul>
1.8	Sep 13 <sup>th</sup> , 2021	<ul style="list-style-type: none"> <li>• Committee Members Updated</li> <li>• Addition on New Clause Last Clause in Applicability</li> </ul>
1.9	Jun 15 <sup>th</sup> , 2023	<ul style="list-style-type: none"> <li>• Committee Members Updated</li> </ul>

---

## TABLE OF CONTENTS

1	INTRODUCTION .....	4
2	PREAMBLE .....	4
3	APPLICABILITY .....	4
4	OBJECTIVE .....	5
5	ABBREVIATIONS .....	5
6	CONGA INTERNAL COMPLAINTS COMMITTEE .....	5
7	PROCEDURE OF FILING A COMPLAINT .....	6
8	PROCEDURE TO BE FOLLOWED POST RECEIPT OF COMPLAINTS.....	7
9	GUIDELINES TO BE KEPT IN MIND BY AICC WHILE RECOMMENDING ACTION.....	8
10	EMPLOYER (MANAGEMENT OF THE COMPANY) TO ENSURE .....	9
11	WORKING FROM HOME AND VIRTUAL EVENTS OR MEETINGS .....	10
12	APPEAL BY THE AGGRIEVED PERSON.....	10
13	ANNEXURE 1: CONSTITUTION OF AICC .....	10

## 1 INTRODUCTION

Conga Software Pvt Ltd.(Formerly known as Apttus Software Pvt Ltd) 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 Company 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 Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. This policy addresses the compliance requirements for “The sexual harassment of women at workplace (prevention, prohibition and redressal) act, 2013”.

## 2 PREAMBLE

Sexual harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well-being of all employees at the workplace, this Policy envisages as under:-

- It shall be the duty of the Management of the company to prevent or deter the commission of any act of sexual harassment at the workplace.
- Sexual Harassment will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.
- The definition of sexual harassment will be as defined in section 2 (n) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "Act") as represented below:- Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: -
  - Physical contact and advances; or
  - A demand or request for sexual favors; or
  - Making sexually colored remarks; or
  - Showing pornography; or
  - 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 :-
  - Implied or explicit promise of preferential treatment in her employment; or
  - Implied or explicit threat of detrimental treatment in her employment; or
  - Implied or explicit threat about her present or future employment status; or
  - Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - Humiliating treatment likely to affect her health or safety

## 3 APPLICABILITY

This policy is known as Sexual Harassment Policy of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Rules (hereinafter referred to as 'Policy') and is applicable to all employees of Conga, employed at the workplace:

- Who are either on the rolls of the company or on deputation, contract, temporary, part time or working as consultants
- Engaged through the Contractor(s) having service agreement with the company or as enumerated in clause (f) of section 2 of the Act.
- It is applicable equally to both male and female as mentioned in above all categories
- With reference to the removal of IPC 377 and according to Article 14.15.16 and 21 of the Constitution of India, we believe equality for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (L.G.B.T.Q.I.A.+ ) and forbids any discrimination at the workplace. We respect it and continuing our support through implementing Gender Neutrality in the work environment. Under POSHA, L.G.B.T.Q.I.A.+ will be treated and guarded equally as we guard the Women related issues.

## 4 OBJECTIVE

This policy has been formulated keeping in view the provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and its Rules. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. For any doubt or further clarification, reference is made to the Act and its Rules.

## 5 ABBREVIATIONS

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings:-

- AICC – Conga Internal Complaint Committee.
- Management -Management means Company's Managing Director/Director/ Manager or such other officer or Officers/nominee or nominees as may be authorized in this behalf by the Managing Director/Director and notified in the Notice Board of the company.
- RE - Respondent Employee: Refers to any employee against whom the complaint for sexual harassment has been lodged.
- Workplace - Refers to clause 1.0 of the Act and also includes all offices, branches and workshops located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the company for undertaking the journey.
- CE - Complainant Employee: Refers to any woman employee (as per section 2(a) of the Act) who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by another employee (hereinafter referred to as 'respondent').

## 6 CONGA INTERNAL COMPLAINTS COMMITTEE

(hereinafter referred to as 'AICC' constituted as per section 4 of the Act read with its Rules)

- a) The AICC will comprise of the following: (list of members in annexure I)
  - I. A Presiding Officer shall be a senior level woman employee of the Company, as may be selected by the Company from time to time. Two Members amongst employees of the Company preferably committed to the cause of women or have experience in social work or have legal knowledge, as may be selected by the Company from time to time.

- II. One member from amongst non-governmental organizations or associations committed to the cause of women or a person not being an employee of the Company and familiar with the issues relating to sexual harassment, as may be nominated by Company.
- b) Every Member of the AICC shall hold office for a period of 1 year or completion of the age of 58 years, whichever is earlier, from the date of nomination by Company.
  - c) Company shall have right to remove Presiding Officer and/or any Member of the AICC in the following events, before the period of 1 year, by assigning reasons in writing without any further process or inquiry
    - I. contravenes the provisions of section 16 i.e. Prohibition of publication or making known contents of complaint and inquiry proceedings; 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. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
    - IV. has so abused her position as to render her continuance in office prejudicial to the public interest, such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.
  - (d) Company shall fill up the vacancy in the AICC as may be created by removal, death, expiration of appointment term, resignation by Member etc. within 15 days from such event.
  - (e) Company shall provide office space/premises to AICC to carry out functions and working of the AICC.
  - (f) Company / Presiding Officer shall appoint a "Contact Officer" amongst the member of AICC, who will be available at designate place and time for the purpose of administering this policy
  - (g) Members of AICC who employee of the Company are not shall be paid appropriate remuneration and conveyance allowances as per the policy of the Company. While Members who are employees of the Company shall not be paid additional remuneration except as per their salary structure.

## 7 PROCEDURE OF FILING A COMPLAINT

- (a) The complaint should be made by an aggrieved person within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident.

The complaint by an aggrieved person employee shall be made to "Contact Officer" of AICC in writing and be sent either by email, post or given in person to the AICC or "Contact Officer".

- (b) The AICC 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 employee from filing

a complaint within the said period. Where the employee is unable to make a complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir may make a complaint under this section.

It is, however, pertinent to state that where the aggrieved person is unable to make a complaint on account of her/his physical incapacity, a complaint may be filed by -

- (a) Her/his relative or friend; or
- (b) Her/his co-worker; or
- (c) an officer of the National Commission for Woman or State Women's Commission; or
- (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Where the aggrieved person is unable to make a complaint on account of her mental incapacity, a complaint may be filed by -

- (a) Her/his relative or friend; or
- (b) a special educator; or
- (c) a qualified psychiatrist or psychologist; or
- (d) the guardian or authority under whose care she is receiving treatment or care; or
- (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

Notes: (i) Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

(ii) 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 her legal heir.

**8 PROCEDURE TO BE FOLLOWED POST RECEIPT OF COMPLAINTS**

- (a) The AICC would go through the details of the complaint and evaluate if there is a prima facie case or not. While doing that, AICC will keep in mind that the CE is not subjected to enquiry more than once. However, if the complaint complexity requires that the CE is to be called for more than once for enquiry, then utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no loss of dignity to the CE.
- (b) The AICC will initiate a detailed enquiry as deemed fit.
- (c) The AICC may, before initiating an enquiry and at the request of the CE, take steps to settle the matter between her and the RE through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the AICC shall record the settlement and forward to the Management or District Officer to take action.

However if the terms arrived during conciliation has not been complied with by the RE, the AICC shall proceed to make an enquiry into the complaint or as the case maybe forward the complaint to the police. The copies of the settlement as recorded during conciliation shall be provided to both the parties.

- (d) The AICC shall after completing the enquiry, submit its recommendations to the Management with recommendations of the penalty to be imposed.
- (e) In case no settlement is arrived the AICC, shall, where the Respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed.
- (f) 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 Committee. The parties shall not be allowed to bring any legal practitioner to represent or defend the case before the AICC.
- (g) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate to the aggrieved woman by the respondent, having regard to the provisions of section 15 pertaining to determination of compensation.
- (h) The submission of the recommendation by the AICC to the Management shall be completed within a period of ninety days (90) from the date of receipt of the complaint by the AICC.
- (i) The HR/Personnel/Administrative Department will extend full cooperation in facilitating to conduct the proceedings by the AICC.

**Important :** For the purpose of making an inquiry under sub -section (1), the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) Any other matter which may be prescribed.

## 9 GUIDELINES TO BE KEPT IN MIND BY AICC WHILE RECOMMENDING ACTION

- (a) To conduct the enquiry as per the Principles of natural justice and in a confidential manner.
- (b) In cases where the AICC has recommended to Management for compensation to be made to the CE, then the said amount shall be deducted from the salary of the RE and paid to the CE or her legal heir/s.
- (c) In case the RE fails to pay the sum referred as above, the AICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- (d) Where the AICC arrives at a conclusion that the allegation against the RE is malicious or the CE has made the complaint knowing it to be false or the CE has produced forged or misleading document, it may recommend to the Management of the company to take action against the CE as stipulated by section 14 of the Act.



- (e) Where the AICC arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take appropriate action

## 10 EMPLOYER (MANAGEMENT OF THE COMPANY) TO ENSURE

- (a) That in case there is a complaint against any of the AICC members, Management will have to reconstitute the AICC. In all such cases the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said committee.
- (b) The Management will provide assistance to the CE if she so chooses to file a police complaint in relation to the offence under the India Penal Code or any other law for the time being in force.
- (c) The Management will also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, where the perpetrator is not an employee of the company and there is complaint of Sexual Harassment against the said perpetrator in the workplace where the harassment took place.
- (d) The management will act upon the recommendations of AICC within sixty days of its receipt by them.
- (e) The AICC will submit an annual report to the Management outlined in the Act and it is the responsibility of the Management to ensure that the said annual report is also filed with the District Officer as per the format applicable.
- (f) The Management will direct HR/ Training Department to ensure to display at conspicuous places the guidelines as given in section 19(b) of the Act.
- (g) The Management will direct and monitor the HR / Training Department to create awareness amongst employee material on sexual harassment in the following manner:-
- (i) Training cum Awareness session for employees (men and women)
  - (ii) Training cum Awareness session for AICC members
  - (iii) Training cum Awareness session for Human Resource teams and Senior Management.
- (h) The Management will assist in ensuring the attendance of the RE and witnesses before the AICC as the case may be

The Management will monitor timely submission of reports. For this, the Management will conduct periodic update meetings with the AICC and HR /Personnel / Administrative Department to ensure that the said policy is being implemented in letter and spirit.

The internal committee member will be responsible to write minute of every meeting and can be presented to the management for further action

## 11 WORKING FROM HOME AND VIRTUAL EVENTS OR MEETINGS

Due to COVID-19 pandemic, the commencement of the Coronavirus lockdown, there has been a paradigmatic shift from what was initially considered a workplace. Workplace in the traditional sense meant an office or an industry. Conga has announced working from home keeping safety and well - being of employees as top priority. We believe, as we evolve and apply lesson learnt from pandemic, work from home for certain number of days it could be a new norm, or a practice followed at our company. Thus, it is critical to understand by everyone that 'Sexual Harassment' can happen 'virtually'. The sexual harassment at the Workplace (prevention, Prohibition and Redressal) Act covers work from home under the 'extended workplace' definition. Yet the unprecedented, extraordinary times of Coronavirus lockdown and on application of literal rule of interpretation, the meaning of workplace shall also encompass work from home under Section 2(o)(vi). Therefore, sexual harassment occurring through online medium while working from home falls under the scope of Prevention of Sexual Harassment at Workplace Act, 2013.

## 12 APPEAL BY THE AGGRIEVED PERSON

Any person aggrieved from the recommendations made by the AICC enquiring with the allegations against the respondent has not proved, or the AICC arrived at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading documents or contravenes the provisions of section 17 of the Act or when the persons entrusted with the duty to handle or deal with the complaint, the enquiry or recommendations makes known the contents of the complaint and the enquiry proceedings, or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal. The appeal will lie before the Appellate Authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946.

## 13 ANNEXURE 1: CONSTITUTION OF AICC

Location	Committee Members for 2021-22
Ahmedabad	Ujas Adhvaryu ( <a href="mailto:uadhvaryu@conga.com">uadhvaryu@conga.com</a> ) Sanjana Kadakia ( <a href="mailto:sanshah@conga.com">sanshah@conga.com</a> )
Bangalore	Bhagya Nayak ( <a href="mailto:bnayak@conga.com">bnayak@conga.com</a> ) Sridhar Reddy Talasani ( <a href="mailto:stalasani@conga.com">stalasani@conga.com</a> )
Pune	Gajanan Pujari ( <a href="mailto:gpujari@conga.com">gpujari@conga.com</a> )
Chennai	Alok Gajbhiye ( <a href="mailto:agajbhiye@conga.com">agajbhiye@conga.com</a> ) Rita George ( <a href="mailto:rgeorge@conga.com">rgeorge@conga.com</a> )
External Representation	Trupti Jain ( <a href="mailto:trbjain@gmail.com">trbjain@gmail.com</a> )
Committee Chairperson	Snehal Kale ( <a href="mailto:skale@conga.com">skale@conga.com</a> )

**Note:** 1. AICC shall work and proceed with all members including the presiding officer out of which at least two shall be females.