



**ANTI SEXUAL HARASSMENT**  
**POLICY**

KERALA VISION  
DIGITAL TV

**KERALA COMMUNICATORS CABLE LIMITED**

Approved By:

The Board of Directors on: 23<sup>rd</sup> June, 2023

## **PREFACE:**

The KERALA COMMUNICATORS CABLE LIMITED (KCCL) 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 in a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.

Sexual harassment at the workplace results in violation of the fundamental rights of a woman

- to equality under Articles 14 and 15 of the Constitution of India
- to life and to live with dignity under article 21 of the Constitution
- to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on 25 June 1993 by the Government of India.

The Policy on Prevention of Sexual Harassment of women at workplace intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. We also strive to guarantee a safe and welcoming environment to all those who visit our organisation in any capacity, such as customers, vendors etc.

This version of the policy is effective from **1<sup>st</sup> July, 2023** and supersedes all prior policies and communication on this matter.

## INTRODUCTION

At KCCL, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to

- Treat each other with dignity and respect
- Follow the letter and spirit of law
- Refrain from any unwelcome behaviour that has sexual connotation (of sexual nature)
- Refrain from creating hostile atmosphere at workplace via sexual harassment
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

This policy provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

## SCOPE

This Policy extends to all employees and it deemed to be incorporated in the service conditions of the employees. The scope of the policy is restricted to the following:

- business locations of the Organisation
- any external location visited by Employees due to or during the course of their employment with the Organisation such as business locations of other Companies/entities, guest houses etc.
- any mode of transport provided by the Organisation (or a representative of the Organisation) for undertaking a journey to and from the aforementioned locations

## DEFINITIONS

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. It may also occur between an employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

**Sexual Harassment** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

1. Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
  - a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
  - b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
  - c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will
  - d. Demand or request for sexual favors
  - e. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
  - f. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
  - g. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures or any other mode of communication.
  - h. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
  - i. Giving gifts or leaving objects that are sexually suggestive
  - j. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and
  - k. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
2. The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
  - a. Implied or explicit promise of preferential treatment in employment;
  - b. Implied or explicit threat of detrimental treatment in employment;
  - c. Implied or explicit threat about the present or future employment status;
  - d. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
  - e. Humiliating treatment likely to affect health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

**Aggrieved woman:** In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

**Complainant:** Any aggrieved woman who makes a complaint alleging sexual harassment under this policy

**Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy.

**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.

**Workplace:**

Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company.

Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

**Employer**

In relation to any Department, Organisation, Undertaking, Establishment, Office Branch, the Head of that Department, Organisation, Undertaking, Establishment, Office Branch as the case may be. In the given case, Kerala Communicators Cable Limited will come under the definition of "Employer"

**Internal Complaints Committee:** The Committee constituted to conduct query into the complaint lodged by the complainant.

**Member:** Member of the Internal Complaints Committee

**Presiding Officer:** Presiding Officer of the Internal Complaint Committee

## **ROLES AND RESPONSIBILITIES**

### **Responsibilities of Individual**

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by refusing to participate in any activity which constitutes harassment, supporting the person to reject unwelcome behavior and acting as a witness if the person being harassed decides to lodge a complaint.

The below is only an indicative list of basic Do's and Don'ts and is in no way intended to be construed as an exhaustive list.

#### **DOS'**

- Know Policy on Prevention of Sexual Harassment
- Say NO if asked to go to places, do things or participate in situations that make you uncomfortable. Trust your instincts. Walk away from uncomfortable situations
- Say NO to offensive behaviour as soon as it occurs
- Refrain from taking discriminatory actions or decisions which are contrary to the spirit of this policy.
- Maintain confidentiality regarding any aspect of an inquiry to which they may be party to.

#### **DONTS'**

##### **Verbal harassment:**

- Sexually suggestive comments or comments on physical attributes.
- Offensive language that insults or demeans a colleague, using terms of endearment.
- Singing or humming vulgar songs.
- Requests for sexual favours, sexual advances, coerced acts of a sexual nature.
- Requests for dates or repeated pressure for social contact.
- Discussing sexual activities, sexual prowess or intruding on the privacy of an Employee.
- Sexually coloured propositions, insults or threats.
- Graffiti in the office premises.

##### **Nonverbal harassment:**

- Offensive gestures, staring, leering or whistling with the intention to discomfort another.
- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by employees.
- Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at one's workplace.
- Showing or mailing pornographic posters, Internet sites, cartoons, drawings.
- Suggestive letters, phone calls, SMS, electronic instant messaging or e-mail messages.

### **Physical harassment:**

- Physical contact or advances.
- Intentional touching of the body, e.g. Hugs, kisses, brushing, fondling, pinching etc. that make others uncomfortable.
- Any displays of affection that make others uncomfortable or are inappropriate at the workplace.

### **Responsibilities of Managers**

All managers must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

### **Responsibilities of Employer**

The Organisation shall –

- a. provide a safe provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- b. display at any conspicuous place in the workplace, the penal consequences of sexual harassments
- c. organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Committee in the manner as may be prescribed;
- d. provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry;
- e. assist in securing the attendance of respondent and witnesses before the Committee;
- f. make available such information to the Committee as it may require having regard to the complaint made;
- g. provide assistance to the Aggrieved Employee if she so chooses to file a complaint against the respondent in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- h. cause to initiate action, under the Indian Penal Code or any other 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;
- i. treat sexual harassment as a misconduct under the disciplinary policy of the Organisation and initiate action for such misconduct;
- j. monitor the timely submission of reports by the Committee

## **REDRESSAL MECHANISM - FORMAL INTERVENTION**

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

### **Internal Complaints Committee (Henceforth known as 'committee')**

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted. The detail of the committee is notified to all covered persons in the Organisation.

- Presiding Officer: A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women
- One external member, familiar with the issues relating to sexual harassment
- At least one half of the total members is women

The committee is responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries
4. Coordinating with the employer in implementing appropriate action
5. Maintaining strict confidentiality throughout the process as per established guidelines
6. Submitting annual reports in the prescribed format

*Current nominated members of the committees are given in Annexure A*

### **Lodging a Complaint**

An aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee along with any documentary evidence available or names of witnesses, if any, within a period of 3 months from the date of incident/ last incident. The Internal Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period.

1. If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
  - a. Legal heir, relative or friend
  - b. Co-worker
  - c. Any person having the knowledge of the incident



2. If the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
  - a. her 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 the Aggrieved Woman's 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
3. If the Aggrieved Woman 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.
4. If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately. Wherever possible the organisation should ensure that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

### **Receiving a Complaint (guidelines)**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant informed that the Organisation takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situations are not be pre-judged. 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, complainant's own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the 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

### **Resolution procedure through conciliation**

Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman. No monetary settlement can be made as a basis of conciliation.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

### **Resolution procedure through formal inquiry**

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee should proceed to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

### **Manner and Procedure of inquiry into complaint**

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
- The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
- Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.

- Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- 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 dropped after recording the reasons thereof.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

#### **Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace

- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the same is informed to the committee.

### **Termination of Inquiry**

The Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order

### **Considerations while preparing inquiry report**

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behaviour 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

### **Action to be taken after inquiry**

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

### **Complaint unsubstantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.

## **Complaint substantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- Counseling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination
- Or any other action that the employer may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

## **Penal Consequences of Sexual Harassment**

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

## **Malicious Allegations**

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

## **Confidentiality**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

## **Appeal**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

## **Awareness**

Awareness sessions are to be organized to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Carry out orientation programs and seminars for the Members of the IC.
- Conduct capacity building and skill building programs for the Members of the IC.
- Declare the names and contact details of all the Members of the IC.
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

## **Legal Compliance**

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness program against Sexual Harassment carried out
- nature of action taken by the employer or District Officer

ANNEXURE -A

Internal Complaints Committee

Sl. No.	KCCL	Emp. Code	Email ID	Contact No.	Remarks
1	Ms. Sindhu Subash	KCCL/0012	legal@kccl.tv	8086897033	Presiding Officer
2	Ms. Jinnu Sara George	NA	jinnusarageorge.29@gmail.com	8089349425	External Member
3	Ms. Jishy Frijo	KCCL/0006	kcclofficepkd20@gmail.com	9388124145	Member
4	Mr. Sathish P	KCCL/0046	kccl@kccl.tv	8086897009	Member
5	Mr. Shinumon KS	KCCL/0051	cs@kccl.tv	8606974535	Member

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