

iLink Digital

PREVENTION OF SEXUAL HARASSMENT POLICY



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iLink Digital is committed to creating a safe work environment free from any form of Sexual Harassment and where all employees are treated with Dignity and Respect.

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.

This Policy extends to all employees of the Companies under the “iLink Digital organizational structure” hereinafter referred to as 'Company' / 'Organization' in this policy. It is deemed to be incorporated in the service conditions of all employees of the Company in India. Local country laws will take precedence over this policy, in other geographies, if applicable.

This Prevention of sexual Harassment Policy (“Policy”) is effective from 1st April 2024 and supersedes all prior policies and communication on this matter of iLink Digital its Subsidiaries (Hereinafter “Company”)

The Company is committed to the effective dissemination of this policy. All Stakeholders and managers are required to ensure that they and their team are aware of the Policy and are encouraged to adhere to it.

✦ **The Policy Statement at iLink Digital:**

Company is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. Company will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be Victimized for making such a complaint.

✦ **Introduction:**

As per the Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”) and rules thereunder the Company has framed this policy and adopted the same. While this policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act (**link to refer the act and Rules made there under is provided below**) and the provisions of the Act shall prevail.

1. [. Sexual-Harassment-at-Workplace-Act.pdf \(wcd.nic.in\)](#)
2. [. Sexual-Harassment-at-Workplace-Rules.pdf \(wcd.nic.in\)](#)

† **Scope:**

This policy aims at prohibiting, preventing, and deterring the commission of Acts of Sexual harassment at the workplace and provide the procedure for redressal of complaints pertaining to sexual harassment. Sexual harassment at the workplace or other than workplace if involving an employee or employees is a grave offence and is therefore, punishable.

This policy extends to all employees including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, secondees and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.

This policy does not prevent any aggrieved person from taking recourse to the law of the land.

† **Definitions**

❖ **sexual harassment:** Any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

- i. physical contact and advances; or a demand or request for sexual favours; or
- ii. making sexually coloured remarks; or
- iii. showing pornography making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc; or
- iv. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- v. objectionable, coercive, or lewd comment of a sexual nature to a person or persons, that is known or ought reasonably to be known as unwelcome.
- vi. Giving gifts or leaving objects that are sexually suggestive
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely
- viii. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

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.

• **What is NOT Sexual Harassment?**

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

❖ **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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- ❖ **Employer:** A person responsible for management, supervision and control of the workplace.

Explanation. — “Management” includes the person or board or committee responsible for formulation and administration of policies for such organization.

- ❖ **Workplace:** Establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

† **What Can Employees Do If They Think They Are Being Sexually Harassed?**

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Company recognizes that sexual harassment may occur in unequal relationships (i.e., between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resource department, etc.

† **Maintain Records**

Employees who feel they have been harassed must maintain records of incidents, including dates, times, places, witnesses, responses of the alleged harasser and harasser, and any other relevant information.

† **Informal Resolution**

1. Talk to the harasser.
 - Employees should indicate clearly and directly that the behavior is not acceptable and must stop.
2. Talk to the immediate supervisor or another manager.
 - Employees may discuss the situation with their immediate supervisor or with another person in a position of authority.

✦ **Composition of Internal Complaints Committee (ICC)**

Pursuant to the relevant provisions of the Act, an Internal Committee (IC) has been constituted to prevent sexual harassment and to receive and effectively deal with complaints pertaining to the same. Details of the members, including their names and contact information, of the IC constituted by the Company are provided as **Annexure I**.

✦ **Informal Complaint Mechanism:**

If the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The aggrieved person can at the Initial Stage inform and approach the HR POC vanithak@iLink Digital-systems.com or the person can directly reach to the POSH Committee on icc-posh@iLink Digital-systems.com and submit a written Complaint.

✦ **Formal Complaint Mechanism of Sexual Harassment:**

Lodging a Complaint: The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

Procedure and Rules as per POSH Act relating to how to lodge a Complaint are attached as **Annexure II**.

✦ **Rights of an Alleged Offender**

Alleged have the right:

1. To be informed that a complaint has been filed.
2. To have a copy of the complaint, stating the allegation(s) and the name of the complainant.
3. To respond to the allegation(s).
4. To be accompanied during investigative interviews by a co-worker, or another support person.
5. To be informed in writing of the CEO's decision on what action, if any, will be taken and the reasons for that decision.
6. To discuss the matter with an Advisor.

✦ **Conciliation**

Before the internal Committee (IC) initiates an inquiry, the complainant may request the IC to take steps to resolve the matter through conciliation provided no monetary settlement shall be made as basis of conciliation. If a settlement has been so arrived, the IC shall record the same and forward the same to the Employer and provide copies of the settlement to the aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the IC.

It is made clear to all parties that conciliation doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

‡ **Resolution procedure through formal inquiry**

The committee initiates 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 proceeds 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.

Procedure and Rules for Inquiry, Relief and are provided under **Annexure III**.

‡ **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.

‡ **Appeals:**

In case any decision by the Complaints Committee is not acceptable to the aggrieved person and / or respondent, they shall be given an opportunity to represent their case to the Complaints Committee in-writing or in-person.

The decision arrived at thereafter by the Complaints Committee shall be final and binding to both and shall be implemented by HR. They could further appeal to a court or tribunal as per the law within a period of 90 days. Not explicit

‡ **False and Malicious Complaints**

The Company is strongly opposed to the misuse of this Policy. Therefore, both the aggrieved person and the respondent must be prepared to go through a fair process of inquiry by the Complaints Committee.

In case Complaints Committee comes to a conclusion that complaint is found to be done and supported with malicious intent by the aggrieved person and witnesses respectively, done and supported knowing that it is false or if the aggrieved person and / or witnesses produced forged or misleading document/ s, the Complaints Committee will recommend suitable action to the Management to prevent recurrence so that others are deterred from raising complaints in bad faith. The aggrieved person and / or witnesses will be liable for appropriate disciplinary action by the Management.

However mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an enquiry by the Management as per the code of conduct of the Company before any action is recommended against them.

† **External Complaint Options**

Employees have the right to make a complaint to the Human Rights Commission. In a case of alleged sexual assault, employees have the right to make a complaint to the police.

† **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.

† **Preparation of annual report-**

The Internal Committee shall in each calendar year prepare an annual report and submit the same to the employer which shall have the following details:-

- (a) number of complaints of sexual harassment received in the year;
- (b) number of complaints disposed off during the year;
- (c) number of cases pending for more than ninety days;
- (d) number of workshops or awareness programmes against sexual harassment carried out; (e) nature of action taken by the employer.

† **Duties and responsibilities of an Employer**

Every employer shall-

- a. provide a safe working environment at the workplace with 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; and the order constituting, the Internal Committee
- c. organize workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act
- d. Conduct orientation programmes shall be organized for the members of the Internal Committee in the manner as may be appropriate.
- e. All new Employees joining the Organization shall be Mandatorily provided with the Training Session on POSH Awareness
- f. The POSH Policy shall be reviewed annually or whenever it is required as the Board may think fit.

† **Duties and responsibilities of a manager or Supervisor**

Managers and supervisors shall ensure to maintain safe environment for all its employees free from discrimination on any ground and from sexual harassment at work and:

- a. Take preventive action-
to make sure that all employees and supervisory staff are aware of what action to take if harassment occurs. Managers must also set the appropriate standard of conduct through their own behavior.
- b. When approached by an employee with a complaint-
they must be supportive and explain what options are available. Managers should also find out how the employee prefers to deal with the situation and address any concerns the employee may have about filing a formal complaint. Finally, managers must keep a confidential record of all pertinent information.
- c. If the employee files a formal complaint.
they must aid as required and be available to discuss any concerns that the employee may have. Cooperation with the members of the Investigative Committee is also required.
- d. If the employee chooses not to file a formal complaint.
Managers must explain to the employee that they are required under the policy to take action even in the absence of a formal complaint.

Annexure I

List of Internal Complaints Committee Members:

Under this Policy, the Board empowers the COO/CEO/ WTD and Directo-HR/ Employee Engagement jointly or severally to appoint respective Internal Complaints Committee Members periodically as and when required. The details of the said Committee members along with helpline no. is provided below-

Helpline Number: 8929408555 **Instructions:** Press 2, then press 4 (Helpline number will be active during business hours)

Internal Complaints Committee:

Sl.No	Employees	Email	Location	Role
1	Shilpa Duggal	Shilpa.duggal@ilink-systems.com	Pune	Presiding Officer
2	Ganga Mahendhiran	Ganga.mahendhiran@ilink-systems.com	Chennai	Internal Committee member
3	Prasanna Cheyyar Nageswaran	Prasanna.nageswaran@ilink-systems.com	Chennai	Internal Committee member
4	Vikram Tamilmani	vikramt@ilink-systems.com	Trichy	Internal Committee member
5	Bhagyashri Patil	bhagyashrip@ilink-systems.com	Pune	Internal Committee member
6	Rushi Mallawat	Rushi.mallawat@ilink-systems.com	Pune	Internal Committee member
7	Nagarajan Rengamani	nagarajanr@ilink-systems.com	Trichy	Internal Committee member
8	Sinduja K	sindujak@ilink-systems.com	Trichy	Internal Committee member
9	Rama Sarode	rama@mygrowthzone.com	Pune	External POSH Consultant
10	Vanitha K	vanithak@ilink-systems.com	Chennai	HR SPOC

Annexure II

Complaint of sexual harassment:

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the POSH Committee on [icc-posh@iLink Digital-systems.com](mailto:icc-posh@iLink-Digital-systems.com) or [Helpline No.](#) as provided under the **Annexure I**. The complaint must be lodged within 3 months from the date of incident/ last incident.

The 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.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

In case the aggrieved person is not able to register complaint due to -

Physical incapacity, complaint can be registered with written consent either by-

-relative, friend, colleague and an officer of the National Commission for Women or State Women's Commission or by any person who has knowledge of the incident.

Mental incapacity, the complaint can be registered with written consent from either of –

-relative, friend, colleague, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the aggrieved person is receiving treatment or care,
-or any person who has knowledge of the incident jointly with the aggrieved person's relative, friend, colleague, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the aggrieved person is receiving treatment or care.

Death, a complaint can be filed by any person who has knowledge of the incident with written consent of the legal heir of the aggrieved person.

Wherever possible ILink Digital ensures that all the complaints of harassment are dealt with speedily, discreetly, and as close as possible to the point of origin.

Annexure III

Manner of inquiry into complaint:

- The complainant should submit the complaint along with six copies of the complaint in supporting documents and the names of the witnesses.
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to the respondent within 7 working days.
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Complaints Committee makes 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 is present.

Interim relief:

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

- a) transfer the aggrieved woman or the respondent to any other workplace; or
- b) grant leave to the aggrieved woman up to a period of three months; or
- c) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- d) Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

Termination of Inquiry:

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

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:

- i Counseling
- ii Censure or reprimand
- iii Apology to be tendered by respondent
- iv Written apology
- v Withholding promotion and/or increments
- vi Suspension
- vii Termination
- viii 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.

Inquiry procedure

All proceedings of the inquiry shall be documented.

The senior human resources manager may deal with the matter him/herself, refer the matter to the Complaints committee in accordance with this policy.

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately.
- interview other relevant third parties separately.
- decide whether or not the incident(s) of sexual harassment took place.

- produce a report detailing the investigations, findings, and any recommendations.
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome.
- if it cannot determine that the harassment took place, he/she may still make.
- recommendations to ensure proper functioning of the workplace keep a record of all actions taken.
- ensure that all records concerning the matter are kept confidential.
- ensure that the process is done as quickly as possible and, in any event, within 60 days of the complaint being made.

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 ensures absolute fairness to all parties.
