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# **POLICY ON PREVENTION OF GENDER HARASSMENT**

**Version Number: 7.9**

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## Policy on Prevention of Gender Harassment

### 1. Objective

The Company is committed to ensure a safe, secure and congenial work environment where employees will deliver their best without any inhibition, threat or fear. This policy aims to provide the definition, framework or modus operandi for addressing all allegations of gender harassment made by any employee.

### 2. Coverage

All employees of the Company and outsourced personnel working in the Company premises.

### 3. Definitions and Examples

- **Employer:** Employer means any business of the Company (Black Box) which has employed the employee for any work at any workplace.
- **Employee:** Employee limited for the specific purpose of application of this policy means and includes any person on the rolls of any business of the Company including those on deputation, probation, contract, temporary, part-time or working as consultants/ advisor, trainee, apprentice or by any other such name at any business of the Company and working whether for remuneration or not or working on voluntary basis or otherwise.
- **Workplace:** Workplace means any premises where the employee carries on the work of the employer and the areas which are to be deemed as the employer's premises and shall include 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.
- **Gender Harassment**

Gender harassment refers to behavior of a sexual nature that is not welcome and which interferes with an employee's status of performance by creating an intimidating, hostile or offensive working environment. It is a form of assault, which can manifest itself in terms of physical and psychological acts. This behavior may involve either the same gender or the opposite gender. This conduct may include, but is not limited to, the following:

- Submission to or rejection of the behavior becomes (implicitly or explicitly) a basis for decisions that affect the individual's employment or a condition of the individual's employment such as Promotion and Pay rise.

- The behavior has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment through unwelcome sexual advances such as:
  - Physical contact and advances or molestation.
  - Stalking.
  - Demand or Requests for sexual favours, verbal or physical conduct of a sexual nature, either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any Company activity.
  - Sexually coloured remarks or jokes, letters, phone calls or e-mails, gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares.
  - Sounds of derogatory nature.
  - 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 behaviour of gender harassment may amount to gender harassment:
  - implied or explicit promise of preferential treatment in employment or
  - implied or explicit threat of detrimental treatment in employment or
  - implied or explicit threat about present or future employment status or
  - interference with work or creating an intimidating or offensive or hostile work environment or
  - humiliating treatment likely to affect health or safety
  
- The definition of gender harassment will also apply to any member of a third party or outsider in relation to an employee of the Company or vice versa on the premises of Company.
  
- Any of the acts mentioned above, committed in circumstances wherein the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work, such conduct can be humiliating, the same will amount to gender harassment.

**Explanation:** In determining whether the behavior or act complained of is unwelcome, one of the factors to be given due weight shall be the subjective perception of the aggrieved employee.

#### **4. Obligations of the Company**

The Company shall be responsible, among others, for the following:

- Prohibit, prevent and deter commission of acts of gender harassment.
- Implement the Policy in strict alignment, thus creating a favorable environment.

- Spread awareness of the Policy amongst its employees by providing easy access to the policy through publication, notification and circulation of the same.
- Displaying at any conspicuous place in the workplace, the penal consequences of gender harassments and the constitution of the “Internal Complaints Committee”.
- Sensitizing employees about gender harassment issues through workshops and awareness programs at regular intervals
- Provide fair and impartial procedures for resolution, settlement or prosecution of acts of gender harassment by taking all necessary steps.
- Implementation of recommendations of the “Internal Complaints Committee”.
- It will be the responsibility of the Human Resource function to get an understanding of the issues raised and counsel the complainant as well as the accused and make them aware of all implications of filing/ not filing a complaint formally.
- Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- Provide necessary facilities to the “Internal Complaints Committee” for dealing with the complaint and conducting an enquiry.
- Assist in securing the attendance of respondent and witness before the “Internal Complaints Committee”.
- Make available such information to the “Internal Complaints Committee” as it may require having regard to the complaint made.
- Provide assistance to the affected employee if he/ she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- 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 affected employee so desires, where the perpetrator is not an employee, in the workplace at which the incident of gender harassment took place.
- Monitor the timely submission of reports by the “Internal Complaints Committee”.

Provide information in the Annual report regarding the number of Gender Harassment cases filed and disposed off during the year.

## **5. Constitution of Committee**

A Committee known as the “Internal Complaints Committee” shall be constituted by the Company, which shall consist of the following members to be nominated by the MD & CEO and the CPO and approved by the Board:

- A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees.
  - Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.

- Provided further that in case the other offices or administrative units of the workplace do not have a senior level women employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.
- Not less than two members from amongst employees preferably working for women's issues or who have had experience in social work or have legal knowledge.
- One member from amongst non-governmental associations or associations committed to the cause of women or a person familiar with the issues relating to gender harassment
  - Provided that at least one half of the total members nominated shall be women.
- The Presiding Officer and every member of the "Internal Complaints Committee" shall hold office for such period, not exceeding three years, from the date of their nomination as maybe specified by the employer.
- The member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the "Internal Complaints Committee", by the employer as may be prescribed.
- **Disqualifications:** A person shall be disqualified for being appointed as a member of the "Internal Complaints Committee", if there is any complaint concerning gender harassment/ disciplinary action pending against him/ her or he/ she has abused his/ her position as to render continuance in office prejudicial to the public interest.

## 6. Confidentiality

- It is the obligation of the "Internal Complaints Committee" that all complaints of gender harassment are treated and processed with utmost confidentiality, in alignment with the process outlined for required investigation and implementing corrective actions.
- The contents of the complaint, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the "Internal Complaints Committee", and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner, notwithstanding anything contained in the Right to Information Act, 2005. Provided that the information regarding the justice secured to any victim of gender harassment may be disseminated without disclosing any particulars calculated to lead to the identification of the aggrieved employee and witnesses. Any person who contravenes this confidentiality provision shall be liable for penalty in accordance with his/her service conditions.

## 7. Submission of a Complaint

- An employee who feels that he/ she is at the receiving end of gender harassment, should first try to resolve the matter by communicating his/ her discomfort to the person who has indulged in the harassment. This is one of the quickest methods of eliminating the problem at the root level. In case the person, who has indulged in harassment, may not have intentionally meant any offense and this could get clarified at this stage itself.
- In case the behaviour is repeated after verbal communication, then the affected employee can lodge a formal complaint with the HRBP. HRBP will then investigate the matter by speaking to both concerned parties and try to resolve the issue. In case the resolution is not perceived to be satisfactory or the behaviour is repeated, then the affected employee should lodge a formal complaint with the “Internal Complaints Committee”.
- Any employee will have a right to lodge a complaint concerning gender harassment against an employee or a third party interacting with the Company to the “Internal Complaints Committee”, as given below:
  - Affected employee shall make a written complaint to HR BP in writing within a period of 3 months from the date of the incident and in case of a series of incidents, within a period of three months from the date of the last incident with a request to forward the same to “Internal Complaints Committee”.
    - Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the “Internal Complaints Committee” as the case may be, shall render all reasonable assistance to the affected employee for making the complaint in writing.
    - Provided further that the “Internal Complaints Committee” may, for the reasons to be recorded in writing, extend the time limit not exceeding 3 months, if it is satisfied that the circumstances were such which prevented the affected employee from filing a complaint within the said period.
    - In determining whether the complaint has been made within a reasonable period of time or not, due weight shall be given to the facts and circumstances surrounding the making of such complaint and the personal circumstances of the complainant.
  - Where the affected employee is unable to make a complaint on account of his/ her physical or mental incapacity or death or otherwise, his/ her legal heir or such other person as may be prescribed may make a complaint under this section.

## **8. Conciliation**

- The “Internal Complaints Committee” may before initiating an inquiry and at the request of the affected employee take steps to settle the matter between him/ her and the respondent through conciliation; provided that no monetary settlement shall be made as

a basis of conciliation.

- The “Internal Complaints Committee” shall record the settlement so arrived and shall provide copies of the same as recorded to the affected employee and the respondent.
- Where a settlement is arrived no further inquiry shall be conducted by the “Internal Complaints Committee”.
  - Provided that the affected employee informs the “Internal Complaints Committee” that any term or condition of the settlement arrived has not been complied with by the respondent, the “Internal Complaints Committee” shall proceed to make an inquiry into the complaint, or as the case may be forward the complaint to the police.
  - Provided further that 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 representations against the findings before the Committee.

## **9. Inquiry into Compliant**

- The committee should distinguish between intentional and non-intentional behaviours leading to perceptions/ real incidents of gender harassment. Among other factors, one of the crucial parameters in determining the intention, the committee may look into facts like exhibition and communication of dissent by the complainant to the accused.
- Where both the parties (i.e. the aggrieved employee and the respondent) are employees, the “Internal Complaints Committee” may proceed to make an 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 which is consistent with the terms of his/ her appointment, to determine whether a prima facie case exists or not.
- For the purpose of making an inquiry into the complaint, the “Internal Complaints Committee” shall have the same powers as are vested in a civil court when trying a suit in respect of:
  - Summoning and enforcing attendance of any person and examining him/her on oath;
  - Requiring the discovery and production of documents; and
  - Any other matter which may be prescribed.
- The “Internal Complaints Committee” shall complete the inquiry within a period of ninety (90) days from the date of registration of complaint.

- The committee shall ensure that:
  - Safe, accessible and sensitive mechanism for registering complaints
  - Objective factual and case relevant enquiries
  - Conclude such inquiry within one month and provide a report on conclusion of the inquiry to the Management.
  
- The committee shall meet under the Presiding Officer to hear the complaint & observe the following procedure:
  - The committee will invite the complainant to depose before them and to also present any evidence or witnesses as the complainant may want to bring forward to support the complaint, such evidence not being compulsory for the committee to consider or inquire into the complaint itself.
  - The committee will call the complainant to narrate his/her complaint & the committee will ask him/her relevant questions to establish the veracity of her/his complaint.
  - Thereafter, the committee will request the complainant to adduce primary & secondary evidences, including witnesses, if any, to establish the nature of the complaint.
  - The committee will allow the respondent to cross examine the witnesses and/or review the evidences adduced by the complainant.
  - The respondent will thereafter be asked to explain her/his position. The committee may ask the respondent relevant questions.
  - The respondent will be asked to adduce primary, secondary evidences & witnesses.
  - The complainant would be given an opportunity to cross examine the respondent's witnesses and review any primary and secondary evidences provided before the committee by the respondent.
  
- Where needed the committee may suo motu:
  - Seek medical, police and legal intervention on case to case basis with the consent of the complainant and in consultation with the Management.
  - Make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.

## **10. Action during pendency of an inquiry**

During the pendency of an inquiry, on a written request made by the complainant, the "Internal Complaints Committee" may recommend the following:

- Transfer the complainant or the respondent to any other workplace; or
- Grant leave to the complainant up to a period of three months or
- Grant such other relief to the complainant as may be prescribed

The leave granted to the complainant under this section shall be in addition to the leave he/she would be otherwise entitled

Once the recommendations of the “Internal Complaints Committee”, as the case maybe, the employer shall implement the recommendations made and send the report of such implementation to the “Internal Complaints Committee”.

## **11. Inquiry Report**

- Within ten (10) days of the completion of inquiry, the “Internal Complaints Committee” shall provide a report of its findings to the employer. Such report shall be made available to the concerned parties.
- If the “Internal Complaints Committee” has arrived at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter and submit the report of its findings.
- If the “Internal Complaints Committee” has arrived at the conclusion that the allegation against the respondent has been proved, it shall submit report of its findings and recommend to the employer to take action for sexual harassment as misconduct against the respondent.
- If the “Internal Complaints Committee” has arrived at the conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or without believing it to be true or has produced any forged or misleading document, it may recommend to the employer to take action against the aggrieved employee in accordance with his/her service conditions. Provided that a mere inability to substantiate any allegation made in the complaint or provide adequate proof in support thereof does not attract punishment for false or malicious complaint. For recommending any punishment, it is mandatory that the malicious intent on the part of the aggrieved employee shall be established in an inquiry held for the purpose.

## 12. Punishment for Gender harassment

The Management can impose the following penalties, which are indicative and not exhaustive on an employee who is found guilty of gender harassment. These can be further classified as minor and major penalties, as follow:

- **Minor Penalties**
  - Written Warning
  - Advisory Note
- **Major Penalties**
  - Withholding of performance based pay awards and bonus
  - Withholding of promotion
  - Termination of service

Further the accused will also be required to give a written apology to the complainant and upon his/ her failure to do so, the penalty can be enhanced.

Where the “Internal Complaints Committee” arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend as the case may be:

- To take action for gender harassment as a misconduct in accordance with the provisions as enlisted above.
- To deduct, from the salary or wages of the respondent such sum as the “Internal Complaints Committee” may consider appropriate, to the affected employee or to her legal heirs, as it may determine.
- Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his/ her being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the affected employee.
  - Provided further that in case the respondent fails to pay the sum the “Internal Complaints Committee” may forward the order for recovery of the sum as an arrear of land revenue.
- The employer shall act upon the recommendation within sixty days of receipt of instructions.
- For the purpose of determining the sums to be paid to the affected employee, the “Internal Complaints Committee” shall have regard to:
  - The mental trauma, pain, suffering and emotional distress caused to the affected employee
  - The loss in the career opportunity due to the incident of gender harassment
  - Medical expenses incurred by the victim for physical or psychiatric treatment

- The income and financial status of the respondent
- Feasibility of such payment in lump sum or in instalments

### **13. Appeal**

Any person aggrieved by the recommendations made by the “Internal Complaints Committee” or non-implementation of such recommendations may prefer an appeal to the CPO in accordance with the service conditions applicable to such person.

### **14. Protection against Victimisation**

The following will be obligations of the Company, during the processing/ investigation of the Compliant:

- In the event the accused is the complainant's immediate reporting manager, the Company will review the possibility of relocating the employee within the Company and ensure that the complainant is not being evaluated by the accused.
- Ensure that any sort of retaliation against the complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the accused, whether directly or indirectly, will result in appropriate action against the accused by the Management.
- In case the accused is a third party interacting with the Company, such accused shall not be allowed to enter the company premises except for the purpose of attending any meeting/ interaction as and when required by the “Internal Complaints Committee”.

### **15. Note: Under the Law - The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013**

There is a bar against the court taking cognizance of any offence punishable under the Act or any rules made thereunder unless a complaint is made by the aggrieved woman employee or any person authorized by the “Internal Complaints Committee”.

### **16. Other Law Protected**

The provisions of the Act are supplementary to the provisions of any other law for the time being in force in India.

**Internal Complaints Committee of BLACK BOX Limited**

The following members are nominated by the MD & CEO and CPO and approved by the Board.

1. Name: Ms. Jithy Bhalerao  
Role in ICC: Presiding Officer  
Designation: Associate Vice President - Human Resource  
Email: [Jithy.Bhalerao@Blackbox.com](mailto:Jithy.Bhalerao@Blackbox.com)
2. Name: Mr. Naravi Jayantha Prabhu  
Role in ICC: Member  
Designation: Business Head - India & SAARC  
Email: [Jyantha.Prabhu@Blackbox.com](mailto:Jyantha.Prabhu@Blackbox.com)
3. Name: Mr. Abhinav Sharma  
Role in ICC: Member  
Designation: – Vice President & Head - Sales (India & SAARC)  
Email: [Abhinav.Sharma@Blackbox.com](mailto:Abhinav.Sharma@Blackbox.com)
4. Name: Dr. Shilpa Desai  
NGO Member – Internal Complaints Committee  
Designation: Founder & Managing Director – C4 Integrated Wellness Private Limited  
Email: [Shilpa@c4wellness.com](mailto:Shilpa@c4wellness.com)