



POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE

I. COMMITMENT:

Bharat Hotels Limited (the “**Company**”) is committed to providing a work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The Company will not tolerate any form of Sexual Harassment (as defined below) and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

II. SCOPE:

This policy on prevention, prohibition and redressal of sexual harassment at the workplace (this “**Policy**”) applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at their workplace or at client sites. The Company will not tolerate Sexual Harassment, if engaged in by clients or by suppliers or any other business associates.

This Policy has been approved by the board of directors of the Company (the “**Board**”) pursuant to a resolution dated 12-02-2018.

This Policy has been formulated in compliance with the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**SH Act**”) and the rules framed there under (“**SH Rules**”), the Handbook on the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Ministry of Women and Child Development, Government of India (“**Handbook on SH Act**”) and the applicable guidelines provided by the Supreme Court of India (“**Applicable Law**”).

The “**workplace**” includes:

1. All offices or other premises where the Company’s business is conducted.
2. All company-related activities performed at any other site away from the Company’s premises
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
4. Any place visited by an employee arising out of or during the course of employment, including transportation provided by the Company for undertaking such journey.

III. DEFINITION OF SEXUAL HARASSMENT:

Sexual Harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

“**Sexual Harassment**” at the workplace includes:

1. physical contact and advances such as touching, stalking, sounds which have explicit and/or implicit sexual connotation/overtones, molestation, demand or request for sexual favours,
2. making sexually coloured remarks, including but not limited to vulgar and/or indecent jokes, letters, phone calls, text messages, e-mail, gestures, etc.,
3. showing pornography,
4. display of pictures, signs, SMS, MMS, Whatsapp messages, emails, etc. which has explicit and/or implicit sexual connotation/overtones,
5. verbal abuse or ‘joking’ that is sex-oriented,
6. eve teasing, innuendos and taunts, physical confinement against one’s will and likely to intrude upon one’s privacy,
7. serious or repeated offensive remarks, such as teasing related to a person’s body or appearance
8. inappropriate questions, suggestions or remarks about a person’s sex life,
9. unwelcome social invitations, with sexual overtones commonly understood as flirting,
10. quid-pro-quo sexual harassment, i.e., something in return or an exchange of one thing for another,
11. any other unwelcome conduct of sexual nature (verbal, non-verbal or physical), or
12. any conduct that has the purpose or the effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

This is an indicative list of the possible acts, which could be treated as Sexual harassment and is in no way intended to be construed as an exhaustive list.

IV. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this Policy.

All employees are encouraged to reinforce the maintenance of a work environment free from Sexual Harassment.

V. INTERNAL COMPLAINTS COMMITTEE:

The Company has instituted Internal Complaints Committee at each hotel (the “**Complaints Committee**”) for redressal of Sexual Harassment complaints (made by the victim) and for ensuring time bound treatment of such complaints.

Initially, and until further notice, the Complaints Committee will comprise of the following 4 (four) members out of which at least 2 (two) members will be women: The presiding Officer shall be female. Independent Member shall not be the presiding Officer.

1. **Head- HR**
2. **Security Head**
3. **Any Senior Functional Head**
4. **Independent Member**

(A member from an NGO or any other organization or association that is committed to the cause of women or a lawyer or other person familiar with the issues relating to Sexual Harassment

The Presiding Officer and the Members will hold office for a maximum period of 3 (three) years from the date of their nomination.

The Complaints Committee is responsible for:

- A. Investigating every formal written complaint of Sexual Harassment,
- B. Taking appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment,
- C. Discouraging and preventing employment-related Sexual Harassment.

A quorum of 3 (three) Members (including the Presiding Officer and the Independent Member) is required to be present during conducting an inquiry/investigation.

Meetings of the Complaints Committee may be held in person, over the phone through conference call or through video conferencing facilities.

In the event that the Presiding Officer and / or any Member of the Complaints Committee:

- i. contravenes any provisions of this Policy,
- 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/her,
- iii. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her, or
- iv. has so abused his/her position as to render his / her continuance in office prejudicial to public interest,

Such Presiding Officer or Member as the case may be, shall be removed from the Complaints Committee and any vacancy so created will be filled by a fresh nomination by the Company in accordance with the Applicable Law.

VI. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:

The Company is committed to providing a supportive environment to resolve concerns of Sexual Harassment as under:

A. Informal Resolution Options

1. When an incident of Sexual Harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.
2. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Complaints Committee for redressal of their grievances. The Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints:

1. An employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of the Complaints Committee constituted by the Company. The complaint shall have to be in writing and can be in form of an email or a letter sent in a sealed envelope. The complainant is required to submit the supporting documents.
2. Such complaint should be made within 3 (three) months of the incident or the last incident, in case of a series of incidents of Sexual Harassment.
3. The Complaints Committee may extend such time limit of 3 (three) months if it is satisfied that the circumstances were such which prevented the complainant from filing the complaint within the specified time and the Complaints Committee shall record its reasons for such extension in writing.
4. The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward. Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Complaints Committee will render all reasonable assistance for making the complaint in writing.
5. Within 3 (three) working days of receiving a written complaint, the Complaints Committee shall notify the complainant in writing acknowledging receipt of the complaint.
6. The Complaints Committee will hold a meeting with the complainant within 5 (five) working days of the receipt of the complaint to explore options for an informal or formal resolution.

7. In case the complainant chooses to adopt the informal resolution process, before further inquiry / investigation, the Complaints Committee shall explore enabling methods of addressing the complaint, including *inter alia* counselling, educating, orienting or warning the respondent to promptly stop the unwelcome behavior or taking steps to settle the matter between the parties through conciliation. The Complaints Committee shall ensure that no monetary settlement is the basis of any such conciliation.
8. Where any settlement is arrived at as the result of such conciliation, the Complaints Committee will record the settlement and forward it to the Executive Directors and/ or Head Corporate HR to take action as recommended and also provide copies of such settlement to the complainant and the respondent.
9. Where any terms of the settlement have not been complied with by the respondent, the Complaints Committee shall proceed to make an inquiry / investigation into the complaint in accordance with this Policy.
10. Where the respondent is an employee of the Company, the Complaints Committee shall proceed to make the inquiry / investigation into the complaint as under:
 - a. Within 7 (seven) working days of receiving a written complaint, the Complaints Committee must provide 1 (one) copy of the complaint to the respondent.
 - b. The respondent shall file his/her reply to the complaint along with the list of the respondent's documents and the names and addresses of witnesses, within a period of 10 (ten) working days from the date of receipt of the copy of the complaint from the Complaints Committee.
 - c. The Complaints Committee shall conduct the inquiry / investigation in accordance with Applicable Law.
 - d. While a complaint is pending, the Complaints Committee shall, either at the written request of the complainant or *suo motu*, take appropriate corrective action in order to prevent potential ongoing Sexual Harassment.
 - e. The Complaints Committee can provide such interim relief by recommending the Company's Executive Directors and/or Head Corporate HR to (a) transfer the complainant or the respondent to alternative workplaces, (b) grant the complainant leave (in addition to the leave entitlement of such complainant), (c) restrain the respondent from reporting on the work performance of the complainant or writing any confidential report, and assign such duties to another officer of the Company, or (d) grant any other relief that the Complaints Committee believes is necessary

- f. The Company's Executive Directors and/or Head Corporate HR shall implement such recommendations and send the report of such implementation to the Complaints Committee.
- g. The Complaints Committee shall have the right to terminate the inquiry / investigation as to give an ex-parte decision on the complaint if the complainant or respondent fails, without sufficient cause, to present himself/herself for 3 (three) consecutive hearings convened by the Chairperson, provided that such termination or ex-parte order will not be passed without giving notice in writing, 15 (fifteen) days in advance, to the party concerned.
- h. The Complaints Committee shall complete the inquiry / investigation within 90 (ninety) days of receiving a complaint.
- i. The Complaints Committee will document the findings of the inquiry / investigation and recommend actions or remedies to the Company, in the form of a report, within a period of ten (10) days from the date of completion of the inquiry / investigation. Such report will also be made available to both the complainant and the respondent.
- j. Based on the findings of the inquiry / investigation, if the Complaints Committee determines that the allegation against the respondent has not been proved, it shall recommend to the Company that no action is required to be taken in the matter. In the event that the complaint does not fall under the purview of Sexual Harassment or the complaint does not constitute an offence of Sexual Harassment, the Complaints Committee will record this finding with reasons and communicate it to the complainant.
- k. Based on the findings of the inquiry / investigation, if the Complaints Committee determines that a violation in terms of Sexual Harassment has occurred, it will recommend appropriate action against the respondent, including:
 - i. Formal apology;
 - ii. Counselling;
 - iii. Written warning to the perpetrator and a copy of it maintained in the employee's file;
 - iv. Change of work assignment / transfer for either the perpetrator or the victim;
or
 - v. Suspension or termination of services of the employee found guilty of the offence.
- l. The recommendations of the Complaints Committee shall be implemented by the within a period of 60 (sixty) days of receipt of such recommendations.

- m. Any person aggrieved by any recommendations of the Complaints Committee may prefer an appeal within 90 (ninety) days of any such recommendations.
 - n. In case the complaint is found to be false, the complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Company, provided that mere inability to substantiate a complaint or provide adequate proof will not render a complaint false or malicious. The Complaints Committee will inform the complainant of the findings and, wherever appropriate, of any disciplinary or remedial action.
11. If the complaint is made against any other person who is not an employee of the Company, the Company and the Complaints Committee shall take all steps necessary and reasonable to assist the complainant to file a complaint with the police / the local committee prescribed under the SH Act and the SH Rules.
12. In case the Complaints Committee finds that the conduct amounts to a specific offence coverable under the Indian Penal Code or any other law, then the appropriate action shall be initiated by the Company for making a complaint with the police / appropriate authority.

VII. CONFIDENTIALITY:

The Company understands that it is difficult for the victim to come forward with a complaint of Sexual Harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of Sexual Harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

The contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Complaints Committee and the action taken by the Company against the respondent shall not be published, communicated or made known to the public, press and media in any manner.

Dissemination of information regarding the justice secured to any victim without disclosure of name, address, identity and particulars of complainant or witnesses is exempt from such confidentiality restrictions.

VIII. ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

IX. PROTECTION TO COMPLAINANT / VICTIM:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of Sexual Harassment.

X. ANNUAL REPORT

The Complaints Committee shall submit an annual report to the Company with the details of all cases and actions taken in accordance with the SH Act. The annual report shall include the following details:

- i. number of complaints of Sexual Harassment received in the year,
- ii. number of complaints disposed of during the year,
- iii. number of cases pending for more than 90 (ninety) days,
- iv. number of workshops or awareness programmes against Sexual Harassment carried out, and
- v. nature of action taken by the Company.

XI. DUTIES OF THE COMPANY

The Company will also organize workshops and awareness program at regular intervals for sensitizing the employees with the provisions of the SH Act and orientation program for the Members of the Complaints Committee and declare the names and contacts of all the Members of the Complaints Committee.

XII. CONCLUSION:

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

Date: 12-02-2018