

# QACA Prevention of Sexual Harassment (POSH) Policy

POSH Policy

QACA-

Date: October 2024

# Contents

|       |   |   |
|-------|---|---|
| I.    | <b>Introduction</b> .....                 | 3 |
| II.   | <b>Scope</b> .....                        | 3 |
| III.  | <b>Definitions</b> .....                  | 3 |
|       | Sexual Harassment.....                    | 3 |
|       | Harassment .....                          | 4 |
|       | Bullying.....                             | 5 |
|       | Victimisation and Retribution.....        | 5 |
|       | Complaints .....                          | 5 |
| IV.   | <b>Roles &amp; Responsibilities</b> ..... | 6 |
| V.    | <b>Prohibited Conduct:</b> .....          | 6 |
| VI.   | <b>Reporting Procedures:</b> .....        | 7 |
| VII.  | <b>Investigation Procedure:</b> .....     | 7 |
| VIII. | <b>Action Against Aggressor:</b> .....    | 7 |
| IX.   | <b>Support for Complainant:</b> .....     | 7 |
| X.    | <b>Training and Awareness:</b> .....      | 7 |
| XI.   | <b>Review and Revision:</b> .....         | 8 |
| XII.  | <b>Acknowledgement:</b> .....             | 8 |
| XIII. | <b>Internal Committee</b> .....           | 8 |

## Introduction

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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.

## Scope

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This policy refers to all of our employees who are eligible to receive a company car and those who drive one as part of their daily job duties.

## Definitions

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- **Sexual Harassment:** Any behaviour characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.
- Harassment: Aggressive pressure or intimidation.
- Bullying: Seek to harm, intimidate, or coerce someone perceived as vulnerable.
- Victimization and Retribution: Punishment inflicted on someone as vengeance.
- Aggressor: person committing sexual harassment.
- Complainant: person experiencing sexual harassment.

### Sexual Harassment

Unwelcome sexual advances, request for sexual favours, and other verbal / non-verbal or physical conduct of a sexual nature regardless of whether committed by supervisory or non-supervisory personnel classifies as sexual harassment when:

1. Submission to such conduct is expressed either explicitly or implicitly as a term or condition of an individual’s employment.
2. Submission or rejection of such conduct by an individual is used as a basis for employment decisions, such as assigned duties, promotion, transfer, or termination.

3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Implied or promised improvement in pay, position, title, or privilege for a subordinate a supervisor or manager in return for sexual favours and the inverse i.e., unfavorable treatment or retraction of favor, pay or privilege if sexual favours are not granted also constitutes sexual harassment.

Unwelcome Sexual Determined Behaviour (Whether directly or by implication) includes, but is not limited to:

1. Physical contact, offensive or unwelcome sexual flirtations, advances, or propositions.
2. A demand or request for sexual favours.
3. Sexually coloured remarks / continual or repeated verbal abuse of sexual nature
4. Display of pornographic materials.
5. Sexual comments, or jokes
6. Unnecessary and excessive touching, groping, patting, brushing against another person.
7. Insisting on social meetings outside of the workplace.

These are non-exhaustive and use of judgement for specific instances would be necessary.

## **Harassment**

Harassment is behaviors that are of offensive nature that demeans, humiliates, and intimidates a person, and it is the lack of social and moral reasonableness. Harassment can be based on protected characteristics such as race, ethnicity, color, religion, gender, gender identity, sexual orientation, age, disability, geographic origin, caste, or any other legally protected characteristic. A single instance of such behaviour can constitute harassment.

Examples of Harassment could be, but not exhaustive:

1. Belittling an individual, for example because of some diversity
2. Verbal intimidation or insults
3. Overloading an employee with more work than reasonable.
4. Setting unrealistic timeline expectations.
5. Ignoring one employee while distinctly favoring similar other employees.
6. Un-realistic travel allocation for work.

## **Bullying**

Repeated mistreatment, intimidation, or abusive conduct intended to harm, threaten, or coerce another person. It is the behaviour of a person who hurts or frightens someone smaller or less powerful, often forcing that person to do something they do not want to do. Bullying can take many forms including verbal, psychological, physical, which undermine a person's right to respect and dignity.

Bullying includes the use of information technology for intimidation, mistreatment, or abuse. This could include all forms of information technology such as e-mail, social media,

Example of bullying which are non-exhaustive are:

1. Demeaning, humiliating, or using sarcasm on others.
2. Verbal abuse through shouting.
3. Creating a psychological threat perception.
4. Threatening physically.
5. Making unjustified remarks on performance results in frustration.
6. Threatening a person on their losing the job without justification.
7. Persons in a position of authority, use that authority to threaten, humiliate, isolate,
8. making threats or comments about someone's job security without good reason.
9. isolation or deliberate exclusion in the workplace or from workplace social events.
10. Sending abusive e-mails.
11. Posting inaccurate personal information about an individual such as gossip on social media.
12. Abuse of authority or power by those in positions of seniority.

## **Victimisation and Retribution**

Victimisation and retribution are when any person who reports an issue, makes a complaint, or assists another in their reporting or complaints, is punished or penalized by various forms of harassment behaviour.

Such actions stem from position of authority and constitute misuse of power. These have a significant impact on the culture of the organization and create frustrations and negative emotions, which result in a stressful work environment as well as low trust.

## **Complaints**

Complaints shall be followed up as per the complaints handling and redressal procedure. It must be appreciated that valid feedback on under performance, feedback on no adherence to the Quality Austria Central Asia's defined behaviours or single instance of an abrupt reaction or behaviour may

not be treated as harassment or bullying, since human beings have certain unintentional reactions due to the unconscious mind.

## Roles & Responsibilities

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1. **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: a. Refusing to participate in any activity which constitutes harassment b. Supporting the person to reject unwelcome behavior c. Acting as a witness if the person being harassed decides to lodge a complaint All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

2. **Responsibilities of Managers:** All managers at Quality Austria Central Asia 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.

3. All staff are responsible for adhering to the minimum specified behaviors that also support the spirit of this policy. Each person shall ensure that they set an example, they will prevent, or report instances of inappropriate behavior observed.

4. Senior leadership and Managers shall be responsible for the implementation of this policy and be a role model. They shall prevent any behaviors and practices that are not in line with this policy. Any reported or observed deviation shall be quickly investigated and resolved. Any disciplinary actions necessary shall be appropriately dealt with. There shall be no attempt at brushing up such instances of violation of this policy under the carpet.

5. The HR function shall be responsible for the policy being followed across the organization. They are to support any instances of deviation from the policy and provide support to the people affected and to managers who are implementing the policy. HR will be responsible for monitoring the implementation of the policy and suggesting improvements where needed. Records of any non-adherence of this policy, the investigation, and the resolution shall be maintained by HR.

## Prohibited Conduct:

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1. Verbal harassment (e.g., jokes, comments)
2. Nonverbal harassment (e.g., gestures, stares)
3. Physical harassment (e.g., touching, assault)

4. Retaliation against complainants or witnesses

## Reporting Procedures:

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1. Complainants must report incidents to: [posh@qacamail.com](mailto:posh@qacamail.com)
2. Reports can be filed by the IC only when it is in the form of a written email/document
3. Complainant's identity will be kept confidential

## Investigation Procedure:

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1. Internal Committee will commence investigation within 48 hours of complaint received
2. Investigation will be fair, impartial, and confidential
3. Investigation may last up to a maximum of 90 days keeping the criticality of the case in mind.
4. Findings will be documented and reported to management and District Attorney in annual reports.

## Action Against Aggressor:

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1. Disciplinary action (up to termination)
2. Mandatory training/counseling
3. Monitoring of behavior

## Support for Complainant:

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1. Counseling/support services
2. Protection from retaliation
3. Updates on investigation and action

## Training and Awareness:

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1. Regular training sessions for employees
2. POSH policy dissemination
3. Display of POSH policy posters

## Review and Revision:

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This policy will be reviewed and revised annually or as needed.

## Acknowledgement:

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All employees must acknowledge receipt and understanding of this policy.

Confidentiality: All reports, investigations, and proceedings will be kept confidential.

## Internal Committee

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An internal committee (IC) is a workplace committee that addresses complaints of sexual harassment, discrimination, and other misconduct:

**Purpose:** To promote a culture of trust, respect, and inclusivity in the workplace

**Composition:** Typically includes a presiding officer, two [or above] employee representative members with social work or legal experience as an external member

**Responsibilities:** Receives and addresses complaints, submits an annual report to the employer and District Officer, and ensures that victims and witnesses are not discriminated against

**Requirements:** At least half of the IC members must be women.

| Designation        | Employee       | Official Email IDs   |
|--------------------|----------------|--|
| Presiding Officer  | Priyasha Aich  | <a href="mailto:priyasha.aich@qacamail.com">priyasha.aich@qacamail.com</a>   |
| Emp Representative | Anisa Shah     | <a href="mailto:anisa.shah@qacamail.com">anisa.shah@qacamail.com</a>         |
| Emp Representative | Upma Arora     | <a href="mailto:upma.arora@qacamail.com">upma.arora@qacamail.com</a>         |
| Emp Representative | Meenalochini M | <a href="mailto:meenalochini.m@qacamail.com">meenalochini.m@qacamail.com</a> |
| Emp Representative | Gaurav Tiwari  | <a href="mailto:gaurav.tiwari@qacamail.com">gaurav.tiwari@qacamail.com</a>   |
| Emp Representative | Anil Murjani   | <a href="mailto:anil.murjani@qacamail.com">anil.murjani@qacamail.com</a>     |
| External Member    | TBD            |  |

For any complaint on Sexual or Workplace Harassment, write an email to [POSH@qacamail.com](mailto:POSH@qacamail.com).