



PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. Objective

- 1.1. This policy is drawn from The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”) and guidelines as laid by the law.
- 1.2. The objective is set up a mechanism for prevention of, protection from, and redress, any act of Sexual Harassment against any employee and also provide guidelines for redressal against complaints of Sexual Harassment of employees at workplace.
- 1.3. The Leela Palaces, Hotels and Resorts¹, (hereinafter “The Leela, or the “company” or the “employer”) has adopted a policy of non-tolerance against any such conduct that violates the guidelines set by the law.
- 1.4. The Leela firmly believes that all employees, including other persons who have dealings with the company have the right to be treated equal and with dignity.
- 1.5. The policy covers every employee across the company, and encourages every employee who has been sexually harassed to use the redressal system that has been laid down.

2. Definitions and Scope

- 2.1 **“Employee”** means any person employed at the workplace, for any work on regular, temporary, adhoc or daily wages, 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 include a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name.
- 2.2 An **“aggrieved individual”** is a person who alleges to have been subjected to any act of sexual harassment by the respondent.
- 2.3 **“Complainant”** is any Aggrieved Individual (or if the Aggrieved Individual is unable to make a Complaint on account of his/her physical or mental incapacity or death or otherwise, any other person permitted under the Rules) who makes a Complaint alleging Sexual Harassment under this policy.
- 2.4 **“Respondent”** means a person against whom the aggrieved individual or the employee who has made the complaint under Sexual Harassment
- 2.5 **“Sexual Harassment”** includes any unwelcome, sexually determined behaviour (whether directly or by implication) such as
 - i. physical contact and advances;
 - ii. demand or request for sexual favours;
 - iii. sexually coloured remarks, including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, emails, gestures, etc.;

¹ The Leela Palaces Hotels & Resorts – Means and includes Schloss Group of Hotels (owned properties), and The Leela managed and franchised hotels / properties including the Corporate and Regional sales offices

- iv. showing pornography, or the likes;
- v. or any other unwelcome physical, verbal or non-verbal conduct of sexual nature. Indicative list given below:

Physical Harassment

- Offensive gestures
- Touching in a sexual manner
- Assault or coerced sexual acts

Verbal harassment

- A demand or request for sexual favours
- Comments about a person's sex or private life
- Sexually coloured remarks

Written or Graphic Harassment

- Unsolicited forwarding of pornographic pictures through email, or any other medium
- The display of sexually suggestive objects, pictures, magazines, posters or cartoons in the work-area
- Written communication that has sexual implications

Emotional Harassment

- Demanding sexual favours in return for or with a promise of favourable performance appraisals, promotions, sustained employment and provision of employment
 - Implied or explicit detrimental treatment for refusal to provide sexual favours
 - Interference with the work or creating an intimidating or offensive or hostile work environment
 - Humiliating treatment likely to affect health or safety
- vi. physical contact and advances such as touching, stalking, sounds which have explicit and/or implicit sexual connotation / overtones, molestation;
 - vii. display of pictures, signs, etc. with sexual nature / connotation / overtones in the work area and work related areas;
 - viii. verbal or non-verbal communication which offends the individual sensibilities and affect her/his performance and has sexual connotation / overtone / nature;
 - ix. teasing, innuendoes and taunts, physical confinement and/or touching against one's will and likely to intrude upon one's privacy.

The following circumstances, among other; if they occur or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual 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; or
- interference with work or creating an intimidating or offensive or hostile work environment; or
- humiliating treatment likely to affect the employee's health or safety.

The point of consideration should be the effect that the conduct of one person has on another rather than whether the behaviour was intentionally offensive or not. Further, not only face to face harassment, but Sexual Harassment by electronic means such as by the use of social media, as well shall constitute Sexual Harassment. The creation of a hostile work environment through unwelcome physical verbal or non-verbal conduct of sexual nature may consist not of a single act but of a pattern of behaviour comprising many such acts.

2.6 “Workplace” includes:

- Owned Hotels, Managed Hotels, Offices, Branches, or any other work premises at all locations where work connected with the affairs of the company is being carried out
- All company related activities performed at any other site away from the company’s premises.
- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
- 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.
- Any misbehaviour in the nature of Sexual Harassment on any social networking website shall also be considered Sexual Harassment irrespective of whether such sexual behaviour was shown during or outside of office hours.

Words and expressions used and not defined herein shall have the meaning respectively assigned to them under the (POSH) Act.

- 2.7 **Scope of the Policy** - This policy will be applicable to all allegations of Sexual Harassment made by an employee or against an employee, irrespective of whether Sexual Harassment is alleged to have taken place within or outside the company premises.

3. Internal Committee

- 3.1 An “Internal Committee” (“IC” / “Committee”) shall be constituted to ensure prevention, protection and effective redressal system. This committee shall be formed as per the requirements in the (POSH) Act.

3.2 Constitution

The Committee shall consist of the following members:

- a Presiding Officer – a senior female employee at the workplace,
- an external female member appointed from an NGO or associations, committed to the cause of women or familiar with the issues relating to sexual harassment,
- not less than 2 members from amongst the employees of the company.

Provided that at least one half of the total members so nominated shall be women

- 3.3 **Tenure of the Members-** The members of the IC shall have tenure of three (3) years, unless the member should resign earlier or has been removed due to any of the reasons specified in this policy. A member of the committee may resign at any time by tendering the resignation in writing to the company.
- 3.4 **Cessation of Membership-** If any member of the IC ceases to be an employee of the company, due to any reason, whatsoever, the company will nominate another person as a member in place of such a member.
- 3.5 **Removal of Presiding Officer or Members-** A Presiding Officer or a member shall be removed from the IC on one of the following grounds and the vacancy so created shall be filled by fresh nominations:-
- i. Contravenes the confidentiality obligations under the policy or the POSH Act; or
 - ii. Commits any act of Sexual Harassment under this policy; or

- iii. Has so abused the position so as to render his continuance in the Committee prejudicial to public interest; or
- iv. Has been found guilty in any disciplinary proceedings or a disciplinary proceedings is pending against him/her; or
- v. 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 or her.

Any vacancy created due to cessation of employment, resignation, death, disability or removal, as applicable, shall be filled by a fresh nomination by the company.

A minimum of three (3) members, including the Presiding Officer and the External Member shall form the quorum for the meeting / hearing. Additional members may be inducted into the Committee, in accordance with the requirements under the (POSH) Act.

3.6 IC at The Leela

- IC will be formed as per guidelines given in this policy and the requirements of the (POSH) Act.
- IC will be constituted at each Hotel and Corporate Office
- IC for each Hotel will have a senior employee from Corporate Office as part of their committee. This member is over and above the minimum requirement of the IC constitution. Further, this member will have all the roles and responsibilities like all other members.
- For other independent and regional offices, Corporate Office IC will come into effect.
- An exclusive email ID will be created with access to only committee members for IC at each location.
- The list of committee members will be made accessible to all employees.

4. Complaint & Inquiry

4.1 Complaint

- 4.1.1 An aggrieved individual may make, in writing, a complaint of sexual harassment at workplace to the Hotel Internal Committee, within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the employee for making the complaint in writing. Provided further, that the Internal Committee, 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 employee from filing a complaint within the said period.
- 4.1.2 Where the aggrieved individual is unable to make the complaint on account of his/ her physical or mental incapacity or death or otherwise, the legal heir or such other person as may be prescribed may make the complaint.
- 4.1.3 If the complaint is made against the guest of the Hotel or any other person who is not an employee of the company, the Hotel IC shall advise the Complainant to file a complaint with the police immediately. However, the option of whether the complaint should be filed with the police or not is left with the Complainant, but the company will provide support and guidance.
- 4.1.4 The complaint can be submitted to the Internal Committee electronically at assigned Email Id or may be physically submitted to any committee member.
- 4.1.5 The complaint can be made electronically. If the complaint is made physically, the Complainant shall submit six copies of the complaint along with the supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and name and address of the witnesses.

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- 4.1.6 If the aggrieved individual is unable to make a complaint in writing for any reason, he/she may contact any member of the Internal Committee and they shall render assistance for making the complaint in writing.
 - 4.1.7 The aggrieved individual may file the complaint in person during office hours or call in advance to set up an appointment to meet elsewhere if he/she does not want to come in person to the office.

4.2 Conciliation

Prior to initiating an inquiry, the IC may, at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation, provided that no monetary settlement is made the basis of such conciliation. Such settlement could include an apology from the Respondent, Respondent agreeing to gender sensitization and related training, or any other settlement agreement arrived at. In case a settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the company to take action as specified in the recommendation of the Internal Committee.

The Internal Committee will provide copies of the settlement as recorded to the Complainant and the Respondent. Upon a conciliation being reached, the Internal Committee would not be required to conduct any further inquiry.

4.3 Inquiry to the complaint

- 4.3.1 Subject to the above and in the event of any term or condition of the settlement not been complied with by the Respondent, the Internal Committee shall conduct an inquiry regarding the Complaint.
- 4.3.2 A copy of the statement of the Complaint shall be given to the Respondent within a period of seven working days. If the complaint has been received on email, the Internal Committee may either forward or supply a printed copy of the same to the Respondent, with clear instructions that the same is not to be shared with any other employee or third party.
- 4.3.3 The Respondent shall file his reply to the Complaint along with a list of documents, and names and addresses of witnesses, within a period of ten working days from the date of receipt of the documents.
- 4.3.4 The Internal Committee shall make an inquiry into the Complaint in accordance with the principles of natural justice. The Internal Committee must notify in writing, the time and dates of its meetings to the company, the Complainant and the Respondent, not less than five days in advance of any such meeting.
- 4.3.5 While conducting the inquiry, a minimum of three members of the Internal Committee including the Presiding Officer and the External Member shall be present.
- 4.3.6 The Internal Committee shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process.
- 4.3.7 The Internal Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the Complaint, if the Complainant or Respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- 4.3.8 The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee. However, they may be allowed to bring a colleague for support, at the discretion of the Internal

Committee, provided such colleague will not be permitted to interfere directly with the proceedings except to advise each party privately.

4.3.9 Minutes will be taken down to record the proceedings.

4.3.10 The inquiry shall be completed in a period of 30 days, from the date of receipt of the complaint. In cases that involve extended process due to the nature of the complaint, inquiry will be completed in not more than ninety days from the date of receipt of the Complaint. The conclusions of the Internal Committee will then be informed to the parties in writing following the investigation. These conclusions will recommend action to be carried out by the General Manager at Hotels and Head-HR of the company.

4.3.11 A copy of the documentation should be sent to the Presiding Officer of the Corporate Internal Committee. This is important as the Corporate Internal Committee is required to compile an Annual Report to the Government on the log of Complaints and the action taken to redress the Complaints.

4.4 Action during pendency of inquiry

During the pendency of an inquiry on a written request made by the Complainant, the Internal Committee may recommend to the employer to

- i. Transfer the aggrieved individual or the respondent to any other workplace; or Grant leave to the aggrieved individual up to a period of 3 months.
- ii. Grant such other relief to the aggrieved individual as may be prescribed.
- iii. The leave granted to the aggrieved individual shall be in addition to the leave he / she would be otherwise entitled. The committee may make a recommendation for a part of the period to be paid leave.

4.5 Disciplinary Action

4.5.1 On the completion of an inquiry the Internal Committee shall provide a written report of its findings to the company within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

4.5.2 In the event that the Internal Committee arrives at the conclusion 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.

4.5.3 In the event that the Internal Committee arrives at the conclusion that the allegation against the Respondent has been proved, possible disciplinary action will be in direct proportion to the seriousness of the offence. It could range from:

- i. A letter of warning that will be placed in the personal file for an offence that is deemed minor by the Internal Committee such as offensive behaviour that is verbal, graphic or through gesticulation.
- ii. Immediate transfer or suspension without pay for a Complaint of harassment that is written or if more than one Complaint is lodged against a single person for a minor offence.
- iii. Dismissal of the Respondent will be invited if the offence is serious enough such as in the case of emotional and physical harassment.
- iv. When there are Complaints punishable under the Indian Penal Code, 1860, the company shall take action in accordance with the Act and provide assistance to the Aggrieved Individual, if she/he so desires, to lodge the Complaint with the appropriate authority.
- v. Deduction from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Individual or to his / her legal heirs. In case the company is unable to make deductions from the salary of the Respondent due to his / her being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the Complainant. In case the Respondent fails to pay the sum referred above,

the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.

- vi. The disciplinary action recommended by the Internal Committee should be disclosed to the Respondent and the Complainant separately. The Internal Committee at all times shall be sensitive to the possibility of the Respondent displaying retaliatory behaviour. The company shall act upon the recommendation given by the Internal Committee within sixty days of receipt of the recommendation.

4.6 Procedure for determining compensation

The Internal Committee may consider various factors as required under the law for the purpose of determining the sums to be paid to the Aggrieved Individual and may take the following into consideration:

- i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved individual
- ii. the loss in the career opportunity due to the incident of sexual harassment
- iii. medical expenses incurred by the victim for physical or psychiatric treatment
- iv. the income and financial status of the Respondent
- v. feasibility of such payment in lump sum or in instalments

4.7 Non Retaliation

The company will not accept, support or tolerate retaliation in any form against any Employee who, acting in good faith, reports suspected misconduct, asks questions or raises concerns. Any person who engages in such retaliation directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary action.

1. Retaliation will be treated as a major misconduct.
2. Retaliation against those reporting Sexual Harassment is prohibited by this policy.
3. Retaliation means and includes any hurtful employment action against an individual/s.
4. Anyone suspecting or experiencing retaliation should report to the appropriate authorities.
5. Anyone feeling that a retaliation complaint did not get a prompt response can contact the Human Resources Head directly.
6. Retaliation cases are treated as seriously as an alleged case of Sexual Harassment even if the original Sexual Harassment Complaint is not proven.

4.8 Malicious Complaint

In the case where a false Complaint has been filed and the investigation has proved that the motivation of the Complaint was purely to defame the Respondent, disciplinary action must be initiated against the Complainant. For a false Complaint of a serious nature, suspension for one week without pay and for false Complaints whose implications are less serious, a warning letter will be issued to the Complainant and a copy of the same will be maintained in their personal file. Mere inability to substantiate a Complaint or provide adequate proof need not attract action against the Complainant. Further, the malicious intent on part of the Complainant needs to be established through the inquiry process before any action against such Complainant is recommended by the Internal Committee to the company.

4.9 Procedure for filing an Appeal

In the event that any person is aggrieved from the recommendations made by the Internal Committee or non-implementation of such recommendations, he/she may appeal to the appropriate authority, as specified by law, within a period of ninety days of the recommendations.

4.10 Confidentiality

The strictest confidentiality will be observed, therefore restricting all information generated to the smallest possible group. It must be ensured that the process is brief and quick. Any attempt by

the members of the Internal Committee or the witnesses or any other persons involved in the inquiry to discuss or disclose this information to anyone except those directly involved with the Complaint will be treated with disciplinary action. Further, all the Internal Committee Members, General Manager, Human Resources Manager are required to sign a Confidentiality & Non-Disclosure Undertaking (Appendix I), declaring that they would maintain utmost confidentiality on all matters discussed under the purview of the Act. This information will not be disclosed even to members of senior management who are not directly involved with the Complaint. The contents of the complaint made, the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken on the Respondent shall not be published, communicated or made known to the public, press and media in any manner. If the same is violated, the company shall recover a sum of Rupees five thousand as penalty from such person or take action as per the provisions of the service rules. However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.

5. Duties of Employer

The Management of the company shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy. The emphasis of the policy should be preventive rather than prescriptive.

1. Provide a safe working environment.
2. Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Committee.
3. Organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Internal Committee.
4. Use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the law.
5. Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry.
6. Assist in securing the attendance of respondent and witnesses before the Internal Committee.
7. Make available such information to the Internal Committee, as it may require having regard to the complaint made.
8. Provide assistance to the aggrieved individual 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.
9. 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 individual so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
10. Monitor the timely submission of reports by the Internal Committees. The employer shall include in its report the number of cases filed, if any, and their disposal under the Act in the annual report of the company or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer or any appropriate authority as prescribed under this Act.
11. Treat sexual harassment as misconduct under the service rules and initiate action for misconduct.

6. Duties of Employee

1. To support/co-operate during any investigation as part of the inquiry process and provide a full and truthful disclosure of relevant information and assist with investigations.
2. Be aware of and abide by laws applicable to them under this Act.

3. Participate in the procedure of investigation if a complaint is brought forward, it will be reviewed. If an employee elects not to participate in the procedure constituted and does not wish to proceed with the complaint, it will need to be formally withdrawn. The complaint will still be reviewed, and the findings of the complaint will be explained in writing. It will be the discretion of the management to accept or reject the request for withdrawal of the complaint.
4. Handle information related to known or suspected violations of this policy in a discreet and confidential manner and not attempt to investigate the information or suspected violations of this policy on their own i.e. without involving the Internal Committee.
5. Participate in gender sensitization programmes through workshops, seminars, posters, film shows, debates etc.

A Manager is a reporting authority or anyone who is responsible for the outcome of work and has a reporting relationship with the Complainant in the company. If an Aggrieved Individual has conveyed about sexual harassment to the manager, it is the responsibility of the manager to encourage the Complainant to give it in writing to him/her and the Internal Committee. She / he has to bring the written complaint immediately to the Internal Committee and provide all kinds of support for the further investigations as a part of inquiry process. The manager needs to have adequate knowledge about the applicable laws, and must ensure complete confidentiality under the Act.

Similarly, the Human Resources team members have to be sensitive about any complaints received. It is their responsibility to immediately inform the Human Resources Head and the Internal Committee about any such acts. The HR Department of The Leela Hotels is responsible for enforcing the policy. Employees may contact their Human Resources Department or the Hotel Internal Committee members whose names are displayed in the Hotel notice board if they have any questions with regards to the policy.

7. Duties of Internal Committee

1. Follow the principles of natural justice and treat the Complainant, Respondent, witnesses and related persons to the inquiry with dignity and respect and give both the Complainant and the Respondent a fair opportunity to make their submissions.
2. To make efforts to ensure that the Complainant and the witnesses are not further victimized or discriminated against while the complaint is pending
3. Keep the entire matter confidential and assist the Aggrieved individual in filing the complaint
4. To ensure the safety of the Complainant and witnesses during the pendency of the inquiry and till the final disposal of the complaint, if the Respondent intimidates the Complainant or witnesses and take action against anyone who threatens or intimidates the Complainant or members of the Internal Committee.
5. To regularly organize and carry out programmes for gender sensitization of members of Internal Committee through workshops, seminars, etc.
6. The Hotel Internal Committee shall prepare an Annual report at the end of the financial year, giving a full account of its activities during the previous year and forward a copy thereof, to the Corporate Internal Committee. The Corporate Internal Committee will collate and review all the details received by Hotels Internal Committee and accordingly shall forward the annual report to the appropriate authority as prescribed under this act.
7. The Committee meets every quarter and the minutes of the meetings are documented

8. Third Party Harassment

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 remedial and preventive action.

9. Amendment

The company shall be entitled to amend this policy from time to time as it may deem fit. The policy should be evaluated so that any amendments required may be recommended by the Hotel and/or Corporate Internal Committee based on their experience of dealing with Complaints.

Appendix - 1

CONFIDENTIALITY AND NDA

Date: _____

I, [_____] [s/o][d/o] Mr. [_____], having his/her permanent
residing address at [_____]

[_____] (hereinafter referred to as "Recipient"), working with [_____] as
[_____] hereby execute this undertaking in relation to the complaint filed/to be
filed or Inquiry proceedings initiated/to be initiated before the Internal Committee constituted under the
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

I confirm that I have read the Act and the Rules and am aware of the code of conduct expected of me.

I hereby agree and irrevocably undertake that I shall keep the identity and addresses of the
Complainant, Respondent, witnesses, any information relating to conciliation and inquiry proceedings,
recommendations of Internal Committee and action taken by the Employer under the Act or any other
information related thereto ("Confidential Information") strictly confidential and shall not either wilfully or
through any other act, omission or negligence, share, distribute, disclose or howsoever cause or induce
any other person to share, distribute or disclose either verbally, electronically or in writing, any such
Confidential Information to any person, other than as required under applicable laws.

I further undertake not to publish, communicate or make known to public, press or media the
Confidential Information in any manner whatsoever.

I am aware and acknowledge that in case of breach of this Undertaking, I shall be liable for penal
consequences and other consequences in accordance with the service rules and/ or as per applicable
laws.

Signed by

Name:

Designation:

Department: