

Policy on Prevention of Sexual Harassment at the Workplace framed by News Broadcasters & Digital Association (NBDA), [formerly News Broadcasters Association (NBA)] in accordance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

On 9th December, 2013, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [“Act”] came into force which Act provides for protection of women against sexual harassment at their workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

1. The Act requires that an Internal Complaints Committee be constituted and Guidelines drawn up for redressal of any complaint related to sexual harassment of a woman employee at her place of employment or workplace.
2. Therefore in accordance with the requirements of the Act, the New Broadcasters & Digital Association (NBDA) which is a not-for-profit Company duly registered under Section 8 of the Companies Act, 2013 has made a Policy on Prevention of Sexual Harassment at the Workplace (“Policy”) which will be applicable to all employees of the NBDA employed currently and in future.
3. The Policy extends to all employees of NBDA and is deemed to be incorporated in the service conditions of all employees. All employees will receive a copy of the Policy and are expected to abide by the Policy and to act in a professional manner and to respect the dignity of all colleagues they are working with.

A. Definition of Sexual Harassment:

The “Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- Physical contact and advances;
- Demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography;
- Other unwelcome physical, verbal or non-verbal conduct of a sexual nature;
- Innuendos;
- Gender based insults or sexist remarks;
- Unwelcome sexual overtones in any manner whatsoever through any medium example phones;
- Forcible physical touch or molestation or physical confinement against one's will and any other act likely to violate one's privacy;

B. An Internal Complaints Committee shall be in place consisting of the following members:

1. Presiding Officer – NBDA Representative. Phone and E-mail
 2. Member-NBDA Representative. Phone and E-mail
 3. Member-NBDA Representative Phone and E-mail
 4. External member – NGO representative/
a person familiar with issues relating to
sexual harassment Phone and E-mail
- a) Any changes in the Internal Complaints Committee members or the contact details should be conveyed to all the employees immediately upon such change taking place;
 - b) The names of the Internal Complaints Committee members with their contact details shall be prominently displayed in the office and /or NBDA's website.
 - c) A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer and at least two members, one of whom shall be a lady.
 - d) The Presiding Officer and every Member of the Internal Complaints Committee shall hold office for such period, not exceeding 3 years from the date of their nomination as may be specified by NBDA.

C. Procedure:

- a. An aggrieved employee (complainant) shall make a complaint in writing to the Presiding Officer of the Internal Complaints Committee giving details of the incident relating to sexual harassment within period of three 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.
- b. Where such complaint cannot be made in writing, the Presiding Officer or any member of the Internal Complaints Committee shall render all reasonable assistance to the complainant for making the complaint in writing.
- c. The Internal Complaints Committee may for the reasons to be recorded in writing, extend the time limit not exceeding 90 days, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the said period.
- d. Where the complainant is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, a relative, friend, co-worker, the legal heir or dependent or any other person who has knowledge of such incident may make the complaint on her behalf.
- e. Once the complaint is received, the contents will be kept strictly confidential.

- f. On receipt of a written complaint, the Internal Complaints Committee may, if required, ask the complainant to furnish additional information about the alleged harassment.
- g. Where the person complained about (alleged perpetrator) is an employee of NBDA, the Internal Complaints Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to both employees.
- h. The Internal Complaints Committee shall provide a copy of the complaint along with supporting documents of such complaint to the alleged perpetrator within 7 working days of receipt of such documents.
- i. The alleged perpetrator shall file a reply along with list of documents, names and addresses of witnesses within 10 working days of receipt of the complaint.
- j. The Internal Complaints Committee may before initiating an inquiry, at the request of the complainant take steps to settle the matter between her and the alleged perpetrator through conciliation proceedings.
- k. If the conciliation proceedings are held and the matter/issue is settled between the complainant and the alleged perpetrator, the settlement shall be recorded in writing and the complaint will not be investigated further by the Internal Complaints Committee. A copy of the settlement will be provided to both parties. The settlement arrived at shall be forwarded to the NBDA Board.
- l. If the complainant does not wish to undergo conciliation, an inquiry will be instituted and both parties will receive a notice regarding the same.
- m. Both the complainant and the alleged perpetrator will be questioned separately initially with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- n. The Internal Complaints Committee shall ensure that a fair and just investigation is undertaken immediately.
- o. 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 representation against the findings before the Committee.
- p. The Internal Complaints Committee shall have the right to terminate the inquiry or give ex-parte decision on the complaint, if the alleged perpetrator or the complainant remain absent for 3 consecutive hearings, without sufficient cause. Such termination or ex-parte order shall only be passed after giving 15 days advance notice, in writing, to the party concerned.
- q. If the Internal Complaints Committee decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the Internal Complaints Committee meeting. The Internal Complaints Committee shall make the same available to the complainant in writing.

- r. Where the complaint is made against any member of the Internal Complaints Committee, then such member will not participate in the proceedings of the inquiry or in any meeting of the committee, till the time the inquiry is finished.
- s. The victim of sexual harassment has the option to seek transfer of the alleged perpetrator or her own transfer or request that she be permitted to go on leave for three months during the pendency of the inquiry and in accordance with the Act.
- t. The complainant and the alleged perpetrator shall be informed of the outcome of the investigation. The investigation shall be completed within 90 days of the receipt of the complaint.
- u. Within 10 days of completion of the inquiry report, the Internal Complaints Committee shall send the said report to the Board of NBDA.
- v. If the Internal Complaints Committee arrives at a conclusion that the allegations made have not been proved, it shall recommend to the NBDA Board that no action be taken against the alleged perpetrator.
- w. Appeal against the decision/recommendations of the Committee may be preferred within 90 days of the date of the recommendations in accordance with section 18 of the Act.

D. Disciplinary Action

Where any misconduct is found by the Internal Complaints Committee, it will recommend to the NBDA Board that appropriate disciplinary action be taken against the alleged perpetrator. Depending on the seriousness of the offence, disciplinary action may be taken in accordance with the provisions of service rules applicable and where no such rules are applicable in such a manner as given below:

- a. Warning or censure in writing;
- b. Withholding or stoppage of increments/Promotions;
- c. Order to give a written apology to the complainant;
- d. Withdrawal of Company provided facilities of the alleged perpetrator;
- e. Transfer or debar from differentiated reward & recognition program;
- f. Direct the alleged perpetrator to undergo a session with a psychologist or carry out community service;
- g. Debarring the employee from taking up supervisory duties;
- h. transfer, suspension or even dismissal from service without compensation in lieu of notice ;
- i. Compensation to the victim for mental trauma, loss of career opportunity, medical expenses incurred etc. interalia through deduction from the salary of the person found guilty;
- j. All the above actions shall be in addition to any legal recourse sought by the complainant;

E. Powers of Internal Committee

As stated in the Act, for the purpose of making an inquiry the Internal Complaints Committee shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:-

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents; and
- (c) Any other matter which may be prescribed.

F. Employer's Duties

The Employer is required to act on the recommendations of the Internal Complaints Committee within 60 days of receipt of the said recommendations.

The Employer will abide by the duties specified in Section 19 of the Act.

G. Confidentiality

All information received by the Internal Complaints Committee in respect of the complaints, inquiry, recommendation or disciplinary action will be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

H. Protection against retaliation

Regardless of the outcome of the complaint made in good faith, the complainant lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Internal Complaints Committee shall ensure that the complainant or the witness are not victimized or discriminated against by the alleged perpetrator. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from alleged perpetrator against the complainant while the investigation is in progress should be reported by the complainant to the Internal Committee as soon as possible. Disciplinary action will be taken by the Internal Complaints Committee against any such complaints which are found genuine.

I. Documentation

The Internal Complaints Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainant's and the alleged perpetrator's files with the full report of the Internal Complaints Committee.

J. Awareness of the Policy

A copy of the Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

K. Complaints made with a malicious intent

The Policy has been evolved as a tool to ensure that in the interest of justice and fair play, the employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual / tarnishing his/her image in the organization and to settle personal/professional scores, strict action will be taken against the complainant including but not limited to, suspension, transfer, and dismissal from service depending on the seriousness of the allegations made.

L. Annual Report

The Internal Complaints Committee shall in each calendar year prepare and submit an annual report which mentions the number of cases filed, if any, the number of disposals, number of cases pending for more than ninety days, number of awareness programs against sexual harassment carried out, nature of action taken by employer under the Act and submit the same to the NBDA Board and the District Officer.

M. Review

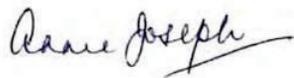
The Policy shall be reviewed annually by the Board of NBDA.

NOTE:

1. A copy of this Policy will be made available on the Company's Notice Board/common server/paper form to create awareness among the employees about their rights against Sexual Harassment.
2. If there are any allegations in respect of any member of the Internal Complaints Committee, the Internal Complaints Committee shall be dissolved and reconstituted with another person immediately.

The provisions of the Policy are in consonance with and in compliance of the Act.

For News Broadcasters & Digital Association



Annie Joseph
Secretary General

Dated: 26.7.2019