



SONATA SOFTWARE LIMITED

**POLICY AND RULES ON PREVENTION, PROHIBITION & REDRESSAL OF SEXUAL
HARASSMENT AT THE WORKPLACE ("Policy")**

CIN: L72200MH1994PLC082110

(Effective from 3rd December, 2021)

INDEX

POLICY	3
(I) PREAMBLE	3
(II) APPLICABILITY	3
RULES AND PROCEDURES	4
(III) DEFINITIONS	4
(IV) DUTIES AND RESPONSIBILITIES OF EMPLOYER	5
(V) CONSTITUTION OF INTERNAL COMMITTEE (IC)	7
(VI) COMPLAINT	9
(VII) CONCILIATION	10
(VIII) INQUIRY INTO COMPLAINT	10
(IX) EX-PARTE DECISION	12
(X) INTERIM ORDERS DURING PENDENCY OF INQUIRY	12
(XI) INQUIRY REPORT	13
(XII) PENALTIES	13
(XIII) DETERMINATION OF COMPENSATION	14
(XIV) FALSE AND MALICIOUS COMPLAINTS	14
(XV) PROHIBITION OF PUBLICATION AND PENALTY FOR BREACH OF CONFIDENTIALITY	15
(XVI) APPEAL	15
(XVII) IC ANNUAL REPORT	15
FORM A: RECOMMENDED FORMAT FOR FILING COMPLAINT OF SEXUAL HARASSMENT	16

POLICY

(I) PREAMBLE:

Sexual Harassment at the workplace is a violation of the employees right to equality, life and liberty.

Sonata Software Ltd. ("SSL/ Company") is an equal opportunity employer, and is committed to creating a healthy work environment that enables employees to work without fear of prejudice, gender bias, or sexual harassment. The Company is committed to treating all employees with dignity.

Objectives:

To take effective measures to avoid, eliminate and if necessary, to impose punishment for any instances of sexual harassment.

The Company firmly believes that every employee has a right to work in an environment free from harassment, intimidation or other offensive behaviour. It also aims to create an environment where sexual harassment will be resolved without fear or reprisal.

This Policy is designed to take effective measures in accordance with the applicable law to eliminate and if necessary, ensure redressal and impose punishment for sexual harassment.

The Policy has been formulated and implemented in compliance with the legal mandate of The Sexual Harassment Of Women At Workplace (Prevention, Prohibition and Redressal) Act of 2013 (The "Act") and with The Sexual Harassment Of Women At Workplace (Prevention, Prohibition and Redressal) Rules 2013,(The"Rules") and other relevant laws and jurisprudence.

(II) APPLICABILITY:

1. This Policy "Sonata Software Limited Policy and Rules on Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace" shall replace the existing Policy "Prevention, Prohibition & Redressal of Sexual Harassment at Workplace Policy" with effect from 3rd December 2021.
2. All complaints received before 1st December 2021 will be subject to the "Prevention, Prohibition & Redressal of Sexual Harassment at Workplace Policy"
3. This Policy shall apply to Sonata Software Ltd. and all its subsidiaries and affiliates. All references to Sonata Software Ltd. (SSL) shall be read to include reference to all its subsidiaries and affiliates.

RULES AND PROCEDURES

(III) DEFINITIONS:

In these rules, unless the context otherwise requires, --

(1) "Aggrieved Person" means in relation to Sonata Software Ltd. or any of its subsidiaries or affiliates, any woman, transgender person or man, whether an employee or not, who makes a complaint of sexual harassment against the Respondent.

(2) "Employee" means any person employed by Sonata Software Ltd., its affiliates and subsidiaries for any work on regular, temporary, *ad hoc*, contractual or daily wage basis, either directly, or by or through any agency (including a contractor), whether for remuneration or not, or working on a voluntary basis, or otherwise, whether the terms of employment are express or implied, and includes a person employed in the management, whether employed as a temporary, casual, consultant, probationer or trainee.

(3) "Employer" means Sonata Software Ltd (SSL).

(4) "External Expert on IC" means and includes an NGO representative or any other expert who is independent and having a known contribution, or experience in working for women's rights and gender justice;

Provided that such External Expert is not otherwise associated with Sonata Software Ltd. in their professional or personal capacity.

(5) "Internal Committee (IC)" means a committee constituted under Rule V for purposes of prevention, prohibition and redressal of sexual harassment at the workplace in accordance with the provisions of the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act of 2013.

(6) "Outsider" means any person who is not an employee of Sonata Software Ltd., and includes but is not limited to:

- (a) any contractor, vendor or person providing residential, food, courier, transport, office supplies, or any other facilities to Sonata Software Ltd.;
- (b) visitor to any of the offices of SSL and all its subsidiaries,

(7) "Partner Organisation" means any organisation, hotel, guest house, private sector corporation, or government body, or any other group or organisation, with which SSL enters into an agreement, or collaborates with, or has a working relationship with, in furtherance of its objectives, and includes representatives of such institutions.

(8) "Respondent" means any person against whom the aggrieved person has made a complaint of sexual harassment under Rule VII; and includes but is not limited to an employee, an outsider, or any other person.

(9) "**Sexual Harassment**" means--

(a) includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- (i) physical contact or advances; or
- (ii) demand or request for sexual favours; or

- (iii) making sexually coloured remarks; or
 - (iv) showing of pornography; or
 - (v) any other unwelcome, physical, or verbal, or non-verbal conduct, of a sexual nature, or sexually determined behaviour, including but not limited to, loaded comments, jokes, letters, phone calls, emails, SMS, twitter or any other form of internet or electronic communication.
 - (vi) any gestures, lurid stares, spreading rumours, physical contact, stalking, sounds or display of a derogatory nature, deprecatory or denigrating remarks or conduct directed at the gender identity of a person.
- and also includes,

(b) (i) any unwelcome physical, verbal or non-verbal act or conduct of a sexual nature, or sexually determined behaviour, which amounts to:

- (1) implied or explicit promise of preferential treatment in their employment; or,
 - (2) implied or explicit threat of detrimental treatment in their employment; or,
 - (3) implied or explicit threat with regard to their present or future employment status;
 - (4) which has the purpose or effect of interfering with or interferes with the aggrieved person's work, or performance, or of creating and intimidating, hostile or offensive work environment; or
 - (5) when submission to any of the above conduct described in (1) to (3) is made a term or condition of employment, participation or evaluation of a person's engagement in any activity of SSL.
- (ii) any conduct of a sexual nature that is likely to, or does, affect their mental, physiological, emotional or physical health or safety;

(c) Sexual Harassment should not be confused with harassment, bullying or other abrasive behaviour that is not sexual in nature and does not have a gendered dimension.

(10) "Workplace" means

- (a) The premises of SSL, its subsidiaries and affiliates
- (b) any other space in which SSL is carrying out its activities.
- (c) any place visited by the employee/aggrieved person arising out of or during the course of or in connection with work/employment including any transportation provided by the employer for undertaking such a journey.

Explanation: The scope of the Workplace is not restricted to a physical or spatial location, it includes any activities in the *course of employment and in relation to work* thus including remote/online/virtual work arrangements.

(IV) DUTIES AND RESPONSIBILITIES OF EMPLOYER:

SSL is under a statutory obligation to diligently discharge the following duties in the context of the present rules:

- (1) Provide a safe work environment free from sexual harassment including prevention and deterrence of sexual harassment.
- (2) Provide an internal mechanism for redress in cases of sexual harassment, through the IC.
- (3) Take prompt and necessary action against anyone violating the present Policy in accordance with Rules and Procedures laid down herein.

- (4) Ensure that the Outsider providing any service to SSL respects and abides by the Policy and Rules and in the event of breach of the Policy and Rules by any person associated with the Outsider, appropriate action will be taken, including suspending or discontinuing the services supplied by the Outsider.
- (5) Prevent and prohibit sexual harassment by prominently displaying the Policy and Rules and the definition of sexual harassment at appropriate places at the workplace.
- (6) Prepare and widely circulate it in offices the Policy and Rules against Sexual Harassment at the Workplace, in English and relevant vernacular languages wherever required.
- (7) Display at conspicuous places in the workplace, the penal consequences of sexual harassment of women.
- (8) Display at a conspicuous place in the workplace and inform electronically and otherwise, relevant details about the constitution and functions of the IC, as well as the names and contact details of the members of the IC.
- (9) Create awareness and understanding amongst employees about the prohibition and redressal of sexual harassment at the workplace by organising regular workshops and sensitisation programmes conducted by persons with an expertise in law and women's rights. The Employer shall ensure that at least two such workshops are held in a year.
- (10) Include the Policy and Rules in all employment contracts or consultancy agreements or any other work related contract or arrangement and ensure that the same is binding on the person entering into a contractual agreement or work relationship with SSL.
- (11) Ensure the constitution of an IC to implement the mandate of the Policy and Rules.
- (12) To ensure the timely nomination of members of the IC as prescribed in the rules herein.
- (13) Conduct orientation programmes and capacity building workshops for members of the IC.
- (14) Provide and make available all information that the IC may require for purposes of diligently and fairly inquiring into a complaint.
- (15) Assist in securing the attendance of the Respondent and witnesses before the IC.
- (16) Provide necessary infrastructure and facilities to the IC, including office space, secretarial staff, allocation of time, transport facilities, to enable them to discharge their functions efficiently and effectively.
- (17) Bear the travel, boarding and lodging (if required) expenses of the members of the IC, and the travel and related expenses incurred by the complainant and the witnesses in order to appear before the inquiry conducted by the IC.
- (18) Monitor the timely submission of reports of the IC.
- (19) Provide all necessary facilities to enable the aggrieved person, to attend, and to participate in the proceedings before the IC.

(20) Provide assistance to the aggrieved woman if she wishes to lodge a complaint in relation to an incident of sexual harassment which constitutes an offence under the IPC (Under Sections 294, 354, 354A, 354B, 354C, 354D, 375, or 509 IPC). *Explanation: It is clarified that, the aggrieved person may, if she so desires, lodge a complaint with the appropriate authorities, including the police, and at the same time seek redress through the internal mechanism of IC provided under this Policy and Rules.*

(21) Provide assistance to the aggrieved person, including providing them leave from work and any other support or assistance that they may require in the circumstances.

(22) In cases where the Respondent is an employee of a Partner Organisation, assist the aggrieved person by providing all assistance and support in seeking redress for an incident of sexual harassment.

(23) Ensure that the filing of a complaint shall not adversely affect the terms and conditions of work of the aggrieved person or in any other way alter the conditions of work of the aggrieved person or witnesses concerned, to their prejudice, as a consequence of filing a complaint or participating in the inquiry.

(24) Ensure that no adverse or retaliatory action, such as transfer, loss of seniority, suspension, change in employment status, dismissal, intimidation, harassment etc. is taken against a person for filing a complaint of sexual harassment or against any person for cooperating in an inquiry of sexual harassment.

(25) Ensure the confidentiality and protection of the identity and address of the aggrieved person, respondent and witnesses, is maintained and the same is not subject to disclosure.

(26) Make efforts to ensure that all Partner Organisations receiving funds or grants or expert assistance from SSL formulate relevant Policies for the prevention, prohibition and redressal of sexual harassment at the workplace.

(27) To create deterrence at the workplace, information regarding justice secured by the aggrieved person in a complaint of sexual harassment may be disseminated without disclosing any identifying feature that may lead to the identity of the aggrieved person and the witnesses from becoming public.

(28) To provide in the Annual Report of SSL the number of complaints of sexual harassment filed and details regarding their disposal, and other activities undertaken in fulfilment of the Policy and Rules.

(V) CONSTITUTION OF INTERNAL COMMITTEE (IC):

(1) The Employer shall, by an order in writing, constitute an IC for purposes of implementing the mandate of the Policy and Rules and for conducting inquiry into any complaint of sexual harassment.

(2) The IC so constituted shall have jurisdiction over SSL and all its subsidiaries and affiliates.

(3) COMPOSITION OF IC

(a) The IC shall consist of at least 5 members who are nominated by the Employer.

(b) At least half of the total members so nominated shall be women.

(c) One Presiding Officer who shall be a woman employed at a senior level.

(d) One External Expert member, from an NGO or otherwise, having a known contribution or experience in working for women's rights and gender justice;

(4) TERM

(a) The term of the members of the IC shall be for three years from the date of nomination and the Employer shall nominate the new IC prior to the expiry of the term of the members.

(b) The outgoing IC will continue to discharge all functions until a new Committee is constituted or until the completion of inquiries into all complaints received by them, whichever is later.

(5) VACANCY

If a member nominated to the IC remains absent without written intimation to the IC from three consecutive meetings, her/his post shall thereupon become vacant.

(6) RESIGNATION

A member of the IC may resign her/his office at any time by tendering her/his resignation in writing to the Employer. Such a person shall be deemed to have vacated her/his office as soon as the Employer has accepted the resignation.

(7) DISQUALIFICATION OF MEMBER

The Presiding Officer or any member shall be disqualified and removed from the IC by the Employer if he/she:

(a) has breached the confidentiality of the identity of the persons involved in a complaint by allowing the same to be published, communicated or made known to the public, press or media in any manner, in violation of the prohibition under Rule XV; or

(b) 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; or

(c) has been found guilty in any disciplinary proceedings, or a disciplinary proceeding is pending against him/her; or

(d) has been found guilty in any disciplinary proceedings or inquiry, or a disciplinary proceeding is pending against him, on the charge of sexual harassment or any other misconduct relating to the dignity of a woman; or

(e) has abused his/her position so as to render his/her continuance in this position prejudicial to public interest or the interest of the organisation.

(8) FRESH NOMINATION TO IC

In the event of a member being removed or a vacancy being created under sub-clauses 5, 6, or 7, or a casual vacancy arising for any other reason in the IC, the Employer shall make a fresh nomination to the IC in accordance with the Rules prescribed herein.

(VI) COMPLAINT:

(1) A complaint of sexual harassment shall be made to the IC, by the aggrieved person, in writing. The Complaint should be emailed to Internal.Committee@sonata-software.com, *Provided* that where due to any circumstances, the aggrieved person is unable to make the complaint in writing, a member of the IC shall assist the aggrieved person to make the complaint in writing.

Explanation: The aggrieved person may present their written complaint to any member of the IC; or the same may be sent electronically to the official email id provided by the IC, however a signed and dated hard copy or an Email of the complaint shall be presented to the IC, by the Complainant, prior to the commencement of proceedings by the IC.

(2) Where the aggrieved person is unable to make the complaint themselves, the complaint can be filed on their behalf with the IC by any of the following persons:

(a) where inability is by reason of physical incapacity by:

(i) their relative or friend; or

(ii) their co-worker; or

(iii) an officer of the National Commission for Women or State Women's Commission; or

(iv) any person who has knowledge of the incident, with the written consent of the aggrieved person.

(b) where inability is by reason of mental incapacity by:

(i) their relative or friend; or

(ii) a special educator; or

(iii) a qualified psychiatrist or psychologist; or

(iv) the guardian or authority under whose care the aggrieved person is receiving treatment or care; or

(v) any person who has knowledge of the incident jointly with their relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care the aggrieved person is receiving treatment or care;

(c) where for any other reason, by any person who has knowledge of the incident, with the written consent of the aggrieved person.

(d) Where the aggrieved person is dead, by any person who has knowledge of the incident, with the written consent of their legal heir(s).

(3) Limitation Period of three months for filing complaint: A complaint of sexual harassment shall be filed by the aggrieved person within a 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.

Provided that if the IC is satisfied that the circumstances were such that they prevented the aggrieved person from filing the complaint within the limitation period, the IC may extend the time limit for a further period of three months, and record its reasons in writing.

(4) The Complaint should be supported by a list of witnesses if any and copies of documents that are relevant to the allegations in the complaint. Please refer to 'Form A' annexed to these Rules for a suggested format for the Complaint.

(VII) CONCILIATION:

(1) The IC may, only if a request in writing is made by the aggrieved person, before initiating an inquiry into the complaint, take steps towards conciliation between the aggrieved person and the Respondent.

Provided that under no circumstance shall a monetary settlement be made the basis of such a conciliation between the parties.

(2) The settlement arrived at through conciliation shall be recorded by the IC and the same forwarded to the Employer, to take action according to the recommendation.

Explanation: The IC must take care to ensure that the process of conciliation and the settlement is fair, voluntary and arrived at in non-coercive circumstances.

(3) Copies of the settlement recorded shall be provided by the IC to the aggrieved person and the respondent.

(4) Where a settlement is reached, through conciliation, no further inquiry shall be conducted by the IC.

Provided that where the aggrieved person informs the IC, that any term or condition of the settlement arrived at under sub-clause (2) of this Rule has not been complied with by the Respondent, the IC shall proceed to make an inquiry into the complaint, or forward the complaint to the police, as requested by the aggrieved person.

(VIII) INQUIRY INTO COMPLAINT:

(1) The IC shall while inquiring into complaints of sexual harassment follow procedures in conformity with the principles of natural justice which includes gender sensitivity.

(2) For inquiry into any complaint of sexual harassment of aggrieved person at the workplace, the Rules and Procedures provided herein shall be followed and not any other grievance procedure applicable to SSL or any other service rules.

(3) During inquiry into a complaint, a minimum of three members of the IC including the Presiding Officer and the External Expert must be present.

(4)(a) At the time of filing the complaint with the IC, the aggrieved person shall submit a copy of the complaint, along with supporting documents and names and addresses of witnesses the aggrieved person wants the IC to examine.

(b) Within a period of seven working days of receipt of the complaint, the IC shall send one copy of all documents received from the aggrieved person to the Respondent.

(c) Within a period of ten working days from the date of receipt of the complaint, the Respondent may file with the IC, a reply to the complaint along with the list of documents he seeks to rely on, and the names and addresses of witnesses he wishes to examine.

(5) For the purposes of making an inquiry, the IC shall exercise the powers to:

- (a) summon and enforce the attendance of any person and examine him/her on oath
- (b) require the discovery and production of documents

(6) The inquiry shall commence if the Respondent denies the allegations made in the complaint and at the commencement of the inquiry, the Committee shall prepare a charge sheet containing specific charges of sexual harassment based upon the complaint and hand over the same to the respondent as well as the aggrieved person. Where the allegations are not denied, no inquiry shall be required and the IC shall, after hearing the version of both parties, prepare and submit its final report to the Employer.

(7) Legal practitioners cannot represent either the aggrieved person or the Respondent at any stage of the inquiry proceedings before the IC.

(8) The Presiding Officer conducting the inquiry shall inform the aggrieved person and the Respondent at least forty-eight hours in advance, in writing, of the date, time, venue of the inquiry proceedings.

(9) The IC shall not at any time during the inquiry proceedings or deliberations, cause the aggrieved person and the Respondent to be placed face to face; unless the same is requested by the aggrieved person through a written request.

(10) The aggrieved person as well as the Respondent shall be given an opportunity to provide evidence, both documentary as well as through witnesses.

(11) The aggrieved person and the Respondent shall have the right to cross examine each other and any other witness presented by the other party. However, to ensure that the aggrieved person and their witnesses are not traumatised or humiliated and being mindful of gender sensitivity, such cross examination shall be conducted through a list of questions in writing, submitted by the Respondent to the Presiding Officer. The Presiding Officer shall exercise her discretion and respecting the dignity of the aggrieved person and put only questions that are relevant to the aggrieved person and their witnesses, and disallow any inappropriate questions designed to intimidate, traumatise or insult them.

(12) The IC shall provide the party/witness whose deposition/cross-examination has been recorded the written copy of the same within 24 hours and give the party/witness another 24 hours to attest and communicate the accuracy of the same either in person or via email.

(13) The IC shall provide the Complainant and the Respondent with the recorded depositions of the other party and each witness within three working days of the same being recorded.

(14) The IC shall issue a notice to the Respondent and the Complainant as the case may be that they shall submit to the IC a list of questions for cross-examination of the other party/witnesses within a period of 7 days from receipt of the copy of the deposition.

(15) All persons participating in the inquiry shall maintain confidentiality about the identity of the complainant, witnesses and Respondents and the contents of the complaint in accordance with Rule XV (Confidentiality).

(16) The members of the inquiry committee shall maintain confidentiality about the proceedings conducted by them.

(17) The IC shall be sensitive to the covert, private and insidious nature of Sexual Harassment and shall take into account that at times direct or corroborative evidence may not be available.

(18) The past sexual history or character of the aggrieved person shall be deemed irrelevant and inadmissible as evidence in an inquiry into a complaint of sexual harassment

(19) The venue of the inquiry shall be decided by the IC, taking into consideration the safety of the aggrieved person and the convenience of both parties. Inquiry proceedings may be conducted through video-conferencing after recording reasons to show why it cannot be conducted physically/face-to face.

(20) The Company shall bear the reasonable travel and related costs incurred by the aggrieved person, the Respondent and the witnesses, for attending the inquiry proceedings.

(21) All communication between the IC and the parties and the witnesses shall be carried out in writing or via email.

(22) The parties and witnesses may appear before the IC in person or if sufficient cause is shown, through video-conferencing,

(23) All statements and depositions made before the IC shall be recorded in writing by the IC. The parties shall not be allowed to electronically record the proceedings.

Inquiry to be completed within 90 days: - The Committee shall complete the inquiry within a period of 90 days from the date on which the inquiry is commenced.

(IX) EX-PARTE DECISION:

If the aggrieved person or the Respondent, fail, without sufficient cause to present themselves for three consecutive hearings of the inquiry convened by the Presiding Officer, the IC shall have the right to terminate the proceedings or give an ex-parte decision on the complaint.

Provided that the IC shall give a notice in writing, fifteen days in advance to the concerned party prior to terminating the inquiry or passing an ex-parte order.

(X) INTERIM ORDERS DURING PENDENCY OF INQUIRY:

(1) During the pendency of the inquiry, the IC may recommend to the Director of SSL to:

(a) issue an order restraining the Respondent or any person acting on behalf of the Respondent from attempting to contact, influence, intimidate or exert pressure on the aggrieved person; or/and

(b) grant leave to the aggrieved person for a period upto 3 months; or/and

Explanation: The leave granted to the aggrieved person will be in addition to the leave she would otherwise be entitled to as per the terms and conditions of employment.;

(c) restrain the Respondent from reporting on the work performance of the aggrieved person and assign the same to some other employee; or/and

(d) in the circumstance that the aggrieved person is working with, or under the Respondent, upon the aggrieved persons written request, the work responsibilities to be re-assigned in a manner that is not detrimental to the aggrieved person.

(e) grant such other relief to the aggrieved person as the IC deems fit in the circumstances.

(2) The Employer shall implement the recommendations made by the IC under clause 1 of Rule X promptly and send a report of such implementation to the IC.

(XI) INQUIRY REPORT

(A) On conclusion of the inquiry:

(1) The IC will prepare the final report on the basis of all the documents including the complaint, reply of Respondent, documents submitted by parties and depositions of parties and their witnesses examined.

(2) The Report will be comprehensive and it shall specify the details of the charge(s) against the Respondent, the facts, evidence, record of proceedings, appreciation of evidence, reasoning, conclusion, findings and recommendations.

(3) The IC shall submit the Report to the Director within 10 days of completion of the inquiry.

(4) A copy of the Report shall also be given to both parties.

(5) On receipt of the Report, the Director shall implement the Recommendations of the Report with regard to penalties and compensation within 60 days of receipt of the copy of the Report.

(6) In the exceptional circumstance that the Employer, through its Director does not implement the recommendations of the Report as stipulated above, the Director shall have to record its reasons in writing, and make the same available to the parties within a period of 60 days from receipt of a copy of the Report from the IC.

(B) The IC may pass any of the following orders:

(1) Where the IC concludes that the charges against the Respondent have not been proved, it shall recommend to the Director that no action is required to be taken on the complaint.

(2) Where the IC concludes that the charges against the Respondent have been proved it shall recommend to the Director, to take action against the respondent for the misconduct of sexual harassment:-

(i) by imposing a penalty as prescribed under Rule XII of the present Rules; and

(ii) to recover from the respondent such sum as determined in accordance with Rule XIII, to be paid to the aggrieved person or her legal heirs as compensation.

The Director of SSL shall act upon the recommendations of the IC within sixty days of receipt of the same.

(XII) PENALTIES

Sexual Harassment at the workplace constitutes a misconduct and entails any of the following Penalties:

(1) When the IC arrives at the conclusion that the charges against the Respondent have been proved it shall recommend to the Employer any of the following penalties, depending on the gravity of the offence and harm suffered by the aggrieved person:

- (a) Written apology;
- (b) Warning;
- (c) Reprimand or censure;
- (d) Withholding of promotion;
- (e) Withholding of one or more increments;
- (f) Compulsory counselling;
- (g) Carrying out community service as determined by the IC;
- (h) Disallow the person from being associated with SSL;
- (i) Disallow the person from entering the SSL office or contacting any named persons;
- (j) Compulsory retirement;
- (k) Termination from service

(XIII) DETERMINATION OF COMPENSATION:

(1) For the purpose of determining the sum to be paid to the aggrieved person under sub-clause (B)(2)(i) of Rule XI, the IC shall take into account the following criteria:

- (a) mental trauma, pain, suffering or emotional distress caused to the aggrieved person;
- (b) the loss in career opportunity due to the incident of sexual harassment to the aggrieved person and the trauma caused due to the same.
- (c) medical expenses incurred by the aggrieved person for physical, psychiatric or psychological treatment.
- (d) the income and financial status of the respondent.
- (e) feasibility of such payment in lump sum or instalments.

(XIV) FALSE AND MALICIOUS COMPLAINTS:

(1) Where the IC arrives at the conclusion that the allegation against the Respondent is malicious, or that the aggrieved person or any other person making the complainant has made the complaint knowing it to be false, or have produced a forged or misleading document, it may recommend to the Director to take the following action against the aggrieved person or any other person who has made the complaint:

- (a) Written apology;
- (b) Warning;
- (c) Reprimand or censure;
- (d) Withholding of promotion;
- (e) Withholding of one or more increments;
- (f) Compulsory counselling;
- (g) Carrying out community service as determined by the IC;
- (h) Disallow the person from being associated with SSL;
- (i) Disallow the person from entering the SSL office or attending events organized by SSL by declaring him persona non grata for a stipulated period;
- (j) Compulsory retirement;
- (k) Termination from service.

Provided that the mere inability of the aggrieved person or complainant to substantiate or provide adequate proof to prove her allegations of sexual harassment at the inquiry, cannot lead to an inference of it being a false or malicious complaint and will not attract action against the aggrieved person or complainant.

Provided further that no action shall be recommended against the complainant until the malicious intent alleged against the complainant is established through an independent enquiry in accordance with the prescribed procedure.

(XV) PROHIBITION OF PUBLICATION AND PENALTY FOR BREACH OF CONFIDENTIALITY:

(1) The contents of the complaint made under Rule VI, the identities and addresses of the aggrieved person, Respondent and all witnesses, any information relating to the process of conciliation or the settlement reached, the inquiry proceedings, the findings of the Inquiry Report or the recommendations of the IC, and action taken by the Employer under these Policy and Rules shall not be published, communicated or made known to the public, press and media in any manner.

(2) The Presiding Officer of the IC and the Employer shall be responsible for ensuring that there is strict compliance with this Rule.

Provided that the information regarding action taken and justice secured to any aggrieved person may be disseminated by the IC and the Employer to create deterrence and awareness, without disclosing the name, identity, address or any other particulars that are likely to lead to the identification of the aggrieved person and the witnesses.

(3) Where any employee contravenes sub-clause (1), the Employer shall recover a sum of Rs.5,000 by deducting the same from the salary or earnings of such employee.

The amount so recovered as penalty shall be used by the IC for the purpose of gender sensitisation and creating awareness about the Policy and Rules within.

(XVI) APPEAL:

(1) Any person aggrieved by the recommendation of the IC after the inquiry, to not take any action under sub-clause (3)(a) of Rule XI; or to impose a penalty or compensation under sub-clauses (3)(c) and (d) under Rule XI; or for taking action for a false or malicious complaint or for giving false evidence under Rule XIV; or for publication or disclosure of information prohibited under Rule XV; or the non-acceptance or non-implementation of such recommendations, may file an appeal.

(2) The Appeal shall be filed within a period of ninety days of the recommendations being made by the IC.

(3) The Appeal shall be filed to the Industrial Court/Tribunal as notified by the State Government.

(XVII) IC ANNUAL REPORT:

The IC shall submit an annual report to the Employer which shall provide the following details:

(1) number of sexual harassment complaints received in the year.

(2) number of complaints disposed off during the year.

(3) number of cases pending for more than ninety days.

(4) number of workshops and awareness programmes around the issues of sexual harassment carried out in the year.

(5) details of the findings of the Inquiry Committee and action taken in cases of sexual harassment while respecting the confidentiality clause under Rule XV.

FORM A: RECOMMENDED FORMAT FOR FILING COMPLAINT OF SEXUAL HARASSMENT

(Note: this format is merely suggestive, no complaint is liable to be rejected merely on the grounds that it does not follow this format.)

1. Complainant Information:

1. Name:
2. Sex/Gender:
3. Age:
4. Address
5. Department and Designation:
6. Email ID and phone number

2. Respondent or Person(s) against whom the complaint is being filed

1. Name:
2. Sex/Gender:
3. Age:
4. Department and Designation(if known):
5. Email ID and phone number (if known):

3. Details of the Complaint/Allegations:

(Kindly read Rule III (9) of SONATA SOFTWARE LTD. POLICY AND RULES ON PREVENTION, PROHIBITION & REDRESSAL OF SEXUAL HARASSMENT AT THE WORKPLACE before filling in these details)

Please write out your complaint on a separate sheet while making sure you answer each of these questions:

1. Please detail your complaint providing details of the incident of sexual harassment.
2. Is the Respondent known to you, if so how?
3. Is this the first incident of this kind
4. Do your allegations comprise of one incident or a series of incidents
5. What are the approximate date, time and place of each of the incidents?
6. Did you inform anybody within Sonata or outside about the incident/any part of the incidents, if so who?
7. Did any person from within Sonata or outside witness any of the incidents that are being complained of, if so please provide their name and contact details. If this person is unwilling to speak out, please specify this.
8. Do you have any material either in electronic form or otherwise which corroborates any part of your complaint, if so please provide a list of documents and copies of the documents.
9. Please provide a list of all witnesses who may be relevant to corroborate your complaint

Complaint filed by

Date:

Signature:

Place:

Name: