

Prevention of Sexual Harassment at Workplace Policy

HR Document

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Revision History

Version	Date	Author	Authorized by	Description
1.0	April 20, 2016	Organization Development , Legal & HRS	Country HR Head	Base Version – New Format

Objective

Schneider Electric in India is an equal employment Opportunity Company with its workforce constituted without discrimination as to, in particular, race, color, religion, age, gender, sexual orientation, political opinions, national extraction or social origin. The Company is committed to create a healthy working environment for all categories of its Employees, and enable them to work without fear of prejudice, gender bias or sexual harassment.

Sexual harassment at the work place is a grave offence which is punishable by law in India. The Company is committed to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all the required steps. Thus the Company hereby adopts the following policy with a view to prohibit Sexual Harassment at Workplace and to promote a healthy work environment and to provide Redressal mechanism for an effective Complaint and Grievance. Today it is known as ICC Internal Complaints Committee.

Scope

The policy is extended to following entities of Schneider Electric in India:

- Schneider Electric India Pvt. Ltd.
- Schneider Electric Infrastructure Ltd.
- Schneider Electric IT Business India Pvt. Ltd.
- Schneider Electric President Systems Ltd
- Schneider Electric Systems India Private Limited
- Schneider Electric Lanka (Private) Limited
- Schneider Singapore PTE Ltd(Bangladesh)
- Skelta Software Private Limited
- Invensys Development Center India Private Limited
- Eurotherm India Private Limited
- Energy Gird Automation Transformers and Switchgears India Limited

Applicability

This policy shall apply to all Employees of the Company irrespective of entity, locations, projects and status of employment.

'Employee' shall mean and include, person on the rolls of the Company including Managers and Workers even those on deputation, contract, temporary, part time, apprentices, trainees or working as consultants. It is deemed to be the part of; and incorporated in the service conditions of all Employees. This policy shall apply at any place that constitutes 'workplace' as defined in the policy.

What Is Sexual Harassment?

According to The Supreme Court of India "Sexual Harassment" is defined as, any

Unwelcome sexually determined behavior, such as:-

- Physical contact
- A demand or request for sexual favors
- Sexually colored remarks (includes online / text / mms)
- Showing pornography
- Any other physical, verbal or non-verbal conduct of a sexual nature

Sexual Harassment takes place if a person:

- Subjects another person to an unwelcome act of physical intimacy like grabbing, brushing, touching, pinching etc.
- Makes an unwelcome demand or request (whether directly or by implication) for sexual favors from another person, and further makes it a condition for employment/payment of wages/increment/promotion etc.
- Makes an unwelcome remark with sexual connotations like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks etc.
- Shows a person any sexually explicit visual material in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/any offensive written material/pornographic e-mails, etc.
- Engages in any other unwelcome conduct of a sexual nature which could be verbal or even non-verbal, like staring to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.
- If a supervisor requests sexual favors from a junior in return for promotion or other benefits or threatens to sack for non-cooperation.
- It is also sexual harassment for a boss to make intrusive inquiries into the private lives of employees, or persistently ask them out.
- It is sexual harassment for a group of workers to joke and snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person

Types of Sexual Harassment

Sexual harassment at workplace is generally classified into two distinct types.

- 'Quid pro quo', means seeking sexual favors or advances in exchange for work benefits and it occurs when consent to sexually explicit behavior or speech is made a condition for employment or refusal to comply with a 'request' is met with retaliatory action such as dismissal, demotion, difficult work conditions.
- 'Hostile working environment' is more pervasive form of sexual harassment involving work conditions or behavior that make the work environment 'hostile' for the woman to be in. Certain sexist remarks, display of pornography or sexist/obscene graffiti, physical contact/brushing against female employees are some examples of hostile work environment, which are not made conditions for employment.

Unwelcome:

Unwelcome is the key in defining sexual harassment. It is the impact and effect the behavior has on the recipient that will define the behavior as sexual harassment.

What is a workplace?

A workplace is any place where working relationships exist, where employer & employee relations exist.

Sexual Harassment Reporting Process:

Before formally reporting your issue, you may like to consult our:

- Principles of Responsibilities & Corporate Policies on SWEBI (Global SE website):
http://aafr0252.fr.schneider-electric.com/Global/devdur/en/HTML.nsf/pages/Our_Principles_of_responsibility

Complainant can raise the concern to any of the following:

- Manager/HR Business Partner/N+2 Manager/ICC through mail/phone/face to face or R&ED link (Online link)
<https://secure.ethicspoint.ca/domain/media/en/gui/100211/index.html> or
Helpline No: 000-800-100-1071 / 000-800-001-6112

If the complainant has not raised the concern through R&ED link, it is encouraged that recipients report it on R&ED link or shares the same with HR Business Partner who report the issue on R&ED link after taking consent from the Complainant.

- The complaint shall be notified to General Counsel of the Zone by the Global team and if related to sexual harassment shall be shared with Secretary of ICC.
- The ICC (Internal Complaints Committee) Secretary would appoint a lead investigator upon consultation with the Chair person of the committee and other team members.

The lead investigator would select his/her team of investigators.

- The Secretary of the Committee will coordinate with the BU VP or Manager + HRBP, as the case may be for execution of the recommendation.
- BU VP / Manager + HRBP to further communicate the decision to the complainant.

INVESTIGATION PROCESS:

The Investigation Committee shall decide & connect:

- At the first meeting, the Investigation Committee members shall hear the Complainant and record her/his allegations.
- The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint.
- Thereafter, the alleged person is called for a disposition before the Committee and an opportunity will be given to him/her to give an explanation.
- Also, the Committee shall collect the information, through relevant sources, if the alleged person had any such record in the past or with any other member of the group etc.
- Post the above steps, an Investigation shall be conducted and concluded with the Investigation Committee and which shall be documented.
- The report of the investigation shall be communicated to the ICC Secretary, on the appropriate recommended action to be taken.
- In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, then they said complaint can be rejected after recording the reasons thereof

ACTIONS BY ICC (INTERNAL COMPLAINTS COMMITTEE):

Depending on severity of the entire case and the recommendations submitted by the Investigation Committee will decide & recommend the action to the management.

Separation

- A colleague, supervisor, others explicitly asking for a sexual favor in return of some favors extended at work.
- The accused retaliating against the complainant by giving a poor performance rating or subjecting the complainant to offensive behavior at work for refusal to give in to demands of sexual favors.
- Using an online medium to post a morphed picture of an individual on intranet/ internet and causing public embarrassment to the individual.

Warning Letter

- Stalking / exchange of obscene emails/ leering/repeatedly insisting on a romantic relationship even after the other person has refused and making lewd remarks.
- To the complainant, if the complaint was filed for wrong reasons of causing harm to image of the accused and to settle personal scores.

Counseling

- Consensual Romantic relationship breakdown/ attempting a romantic relationship
- Warning letter with a disciplinary action like stoppage of pay hike/promotions/ others
Pervasive behavior amounting to hostile work
- Environment/ frequent exchange of suggestive material/ loaded comments/ making fun of physical appearance/ attire of an individual in public for guided reasons
- Severe action like using online media for causing public embarrassment - using derogatory words

Change in team /role/ location

- In case the accused and victim are in the same team.
- In case there is a proven romantic relationship between the manager and the reportee.

ICC (INTERNAL COMPLAINTS COMMITTEE) COMMITTEE:

There is an ICC comprising of few members at every location; typically the committee is headed by a senior women colleague present in the location. The committee has equal representation of both men & women from the respective location and also is guided by external members who is seasoned & have worked in this space extensively. (Refer ICC member's documents)

GUIDELINES for ICC:

Below are the key Guidelines for the ICC (Internal Complaints Committee):

- Based on Investigation Committee recommendations, a quorum of minimum three (3) members is required to be present for the proceedings to take place (can be through phone/ mail/face to face). Secretary of ICC (Internal Complaints Committee) shall preside, conduct and record the proceedings.
- Once the decision is finalized, ICC (Internal Complaints Committee) has to communicate the same to BU VP/Manager + HRBP (as the case may be) who in turn will communicate to the Complainant as well alleged person. Accordingly the appropriate action shall be taken.
- If any complaint is found to be malafide on the part of the complainant DUE ACTIONS will be taken
- ICC (Internal Complaints Committee) have to meet once in every Quarter and discuss on the total no. of cases received in that quarter for review and further preventive ACTIONS to be taken at the country level.

Roles & Responsibilities for:

- HRBP
- IMMEDIATE MANAGER
- INVESTIGATION COMMITTEE
- INTERNAL COMPLAINTS COMMITTEE (ICC)

IMMEDIATE MANAGER	BU HRBP/REGIONAL HRBP	INVESTIGATIN COMMITTEE	PREVENTION OF SEXUAL HARASSMENT
<ul style="list-style-type: none"> • Ensure that you provide safe working environment for women free from Sexual Harassment • Do not ignore any such incident, if you hear it from your peer about any of your team member and try & investigate on the problem and share with your HRBP • If you receive any complain from any of your team member, you must report it to your BU HRBP Immediately • Needs to be more sensitive/ HR to be more informed & committee to be informed 	<ul style="list-style-type: none"> • Ensure you create awareness that organization has effective mechanism to deal with Sexual Harassment issues and employee must have a desired level of comfort with you, to share such issues. Not raising a complaint does not mean absence of Sexual Harassment but probably employees have a feeling that nothing will be done about it. • Once you receive such complain, first & foremost you must speak to the concerned employee and make him/her Comfortable. Then try & get all the details of the case, as a supporting to the complaint. • Make sure you keep the case confidential and inform employee about further steps to be taken • If the complainant has not raised the concern on R&ED link, the same can be done by respective HRBP post taking consent from the complainant. • If the case is related to other BU, please immediately report it to concerned HRBP 	<ul style="list-style-type: none"> • First & Foremost, ensure that Sexual Harassment issue is a very sensitized one, and it has to be kept confidential. • To plan the first meeting, within 5 days of receiving such information from Secretary of ICC. • To meet the concerned employee and record his/her allegations with any relevant supporting • To meet the Alleged person and hear his/her explanation • To investigate from relevant & reliable sources, on the past record of Complainant as well as Alleged person • To conclude on investigation and communicate back the outcome of the proceedings to the Secretary of ICC, within 30 days of receipt of information. 	<ul style="list-style-type: none"> • Secretary of ICC shall be initiating such meeting and ensure it takes place and also documents the discussions. • To mandatorily meet once in every quarter, and to discuss on: Sexual Harassment cases and analyzes on the common reason of such case and accordingly decides on what actions to be taken to stop such incidents in future. • Internal Complaints Committee is required to discuss on Investigation Committee recommendations and action to be taken within 10 days. • To ensure the case has to be kept confidential and to protect concerned employee Identity.

ICC committee members

We have dedicated ICC Committee members for each region. To refer to the ICC Committee members of your region please refer to this link

Link: https://schneider-electric.app.box.com/files/0/f/4382545326/1/f_53491198293

References:

The document has been created using information through below mentioned sources:

- Supreme Court Guidelines:
<http://www.indiatogether.org/combatalaw/vol2/issue3/harass.htm>; in Vishaka & Ors. Vs State of Rajasthan & Ors (1997);
- Existing version of the document across Schneider entities