



**EMMAY ENTERTAINMENT
AND MOTION PICTURES LLP**

PREVENTION OF SEXUAL HARASSMENT POLICY

EFFECTIVE DATE: NOVEMBER 19, 2018

TABLE OF CONTENTS

1.	PURPOSE OF THE PREVENTION OF HARASSMENT	PAGE 3
2.	PRINCIPLES OF EMMAY	PAGE 3
3.	APPLICABILITY OF POLICY	PAGE 3
4.	DEFINITIONS	PAGE 3
5.	BEHAVIOUR RESULTING IN BREACH OF POLICY	PAGE 4
6.	SUPPORTING THOSE AFFECTED BY SEXUAL HARASSMENT	PAGE 4
7.	FIGHTING SEXUAL HARASSMENT	PAGE 5
8.	IMPLEMENTING THE POLICY	PAGE 8
9.	MONITORING THE POLICY	PAGE 8
	APPENDIX 1 - MEMBERS OF THE INTERNAL COMPLAINTS COMMITTEE	PAGE 10

1. PURPOSE OF THE PREVENTION OF SEXUAL HARASSMENT POLICY

Emmay Entertainment and Motion Pictures LLP (“**Emmay**”) strives to ensure an environment in which all its employees respect and uphold the dignity and well-being of one another. Emmay recognises the right of every employee to work in an atmosphere that is free of sexual harassment and to complain about it if it occurs. This Prevention of Harassment Policy has been implemented by Emmay pursuant to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**Act**”).

2. PRINCIPLES OF EMMAY

This Policy covers sexual harassment which occurs both in the workplace and in settings outside the workplace, such as business trips, events or social functions organised for or on behalf of Emmay. Such trips, events or social functions may be held either on or off Emmay’s premises. The Policy also extends to 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.

All employees of Emmay are expected to comply with this Policy. Failure to comply with this Policy may result in disciplinary action being taken against such an employee. Serious breach of this Policy would also result in direct dismissal of the person found to be in violation of it in accordance with the disciplinary procedures at Emmay.

We, at Emmay, refuse to tolerate any form of harassment of one employee by another employee irrespective of seniority of such harassing employee.

3. APPLICABILITY OF POLICY

This Policy applies to all employees, consultants and interns of Emmay, irrespective of seniority, and will also apply to future employees and consultants from the date of commencement of their service. This policy is gender neutral.

4. DEFINING HARASSMENT

Harassment may take place in several forms. In the most facile terms, harassment may be said to be any unwanted physical, verbal or non-verbal conduct which has the potential to violate or violates the dignity of the person against whom it is done. Such behaviour humiliates and degrades the victim, besides intimidating them and violating their dignity.

Words spoken in jest may also harass an individual, and it is important that employees of Emmay refrain from making any joke which is likely to humiliate or degrade another person. It is advisable that the employee maintain professional decorum when communicating with a colleague, irrespective of gender, sexual orientation, marital status, race, nationality, colour, religion, caste, age or disability.

It is not necessary that harassment be a series of incidents. Even a single incident of unwanted or offensive behaviour to one individual can amount to harassment. Creating an offensive environment using words or actions around a person may also be considered to be harassment.

Individual employees may in some cases be legally liable for harassment of colleagues or third parties (including clients) and may be ordered to pay compensation by a court or employment tribunal. However, nothing contained in this Policy shall prejudice any of the legal rights and/or remedies available to an employee whether in law or in equity.

Examples of harassment include:

- unwanted physical conduct and advances including but not limited to touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical assault;
- making sexually coloured remarks, unwelcome physical, verbal or non-verbal conduct of sexual nature including but not limited to inappropriate behaviour, offensive or intimidating comments or gestures or insensitive jokes or pranks;
- demand or request for sexual favours;
- the sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including but not limited to electronic modes of communication that include e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet) which may invite penalties under criminal law including but not limited to the Indian Penal Code, 1860 and the Information Technology Act, 2000.

Individual employees may in some cases be legally liable for sexual harassment of colleagues or third parties (including clients), and may be ordered to pay compensation by a court or employment tribunal. However, nothing contained in this Policy shall prejudice any of the legal rights and/or remedies available to an employee whether in law or in equity.

5. BEHAVIOUR RESULTING IN BREACH OF THE POLICY

If you believe that you have been the victim of harassment you are entitled to raise a formal complaint at any time and under such circumstances you are requested to approach our consultant appointed for Human Resources department – Aparna Khandwala.

On receipt of a complaint, it will be investigated and if found valid, prompt action will be taken which shall be designed to stop the harassment immediately and prevent its recurrence.

If the harasser is an employee, the matter will be dealt with in accordance with the Act and Emmay's policies as amended from time to time. If the harasser is a third party, you should notify your immediate senior or the Human Resources Consultant. Emmay will then decide what appropriate action will be taken and may advise you on legal options available to you under the framework of applicable law.

In any case of sexual harassment, the same shall be dealt in the manner set out under paragraph 7 of this Policy.

Whilst the aims of this Policy are clearly stated, and are to be upheld, any employee who raises a complaint which upon investigation is proven to be deliberately vexatious, then such employees shall be subject to disciplinary action and, in serious cases, dismissal.

6. SUPPORTING THOSE AFFECTED BY SEXUAL HARASSMENT

Emmay recognises the rights of employees affected by harassment and to complain against it. All complaints made in good faith, and participation in good faith in any investigation to ascertain breach of the Policy should not be reasons for victimisation of any such employee.

Any person found to have either victimised or retaliated against an employee for assisting in good faith with investigations seeking to ascertain breach of this Policy, or against any person complaining about a possible breach will result in disciplinary action.

Emmay believes that those who have been affected or those accused of harassment may require counselling and recommends counselling sessions of a confidential nature for such employees, who may approach the Head of Human Resources Aparna Khandwala (aparnakhandwala@emmay.com) for more details.

If you believe you have suffered any form of harassment, you are advised to inform the Human Resources Consultant. A formal complaint should be raised which shall be dealt with as per the terms of this Policy.

7. FIGHTING SEXUAL HARASSMENT

7.1. For the purpose of this Policy, sexual harassment includes any one or more of the following unwelcomed acts or behavior (whether directly or by implication), namely:

- unwelcomed sexual behaviour, which the harasser may perceive as harmless flirting, and which may involve unwanted suggestions, advances, propositions or pressure for sexual activity;
- physical contact and advances;
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature;
- making sexually coloured remarks or showing pornography;
- a demand or request for sexual favours, making sexually coloured remarks; or
- other unwelcome physical, verbal or nonverbal conduct of sexual nature.

7.2. Internal Complaints Committee

In accordance with statutory laws prevalent in India, Emmay has set up an Internal Committee (“**Committee**”) which has been entrusted with the duty of addressing any grievance of an aggrieved employees in respect of any sexual harassment faced by them and provide adequate redressal to such employees. The Committee will consist of four members, of which at least 2 (two) shall be women, and will be comprised of the following:

- a presiding officer being a woman employee occupying a senior position in Emmay;
- 2 (two) members from amongst the employees of Emmay who are preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- 1 (one) member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Names of the aforesaid members are set out under Appendix 1 and these names may be changed by Emmay from time to time.

For the purpose of this Policy and in accordance with the statutory laws of India, the Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 as more particularly set out in the Act.

7.3. **Conciliation**

The Committee may, before initiating an inquiry, upon the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.

7.4. **Procedure for filing complaints**

Emmay is sensitive to any employee facing any kind of sexual harassment, and those who suffer sexual harassment within Emmay's premises should give a written complaint to any Committee member(s) at the earliest. Please note that such complaint must be made within 3 (three) months from the date of occurrence of the alleged incident, and if the harassment is of an ongoing nature, such complaint must be made within 3 (three) months of the date of the last incident.

In cases where the employee is unable to submit such a complaint in writing, the members of the Committee may render an aggrieved employee reasonable assistance to enable making such a complaint.

Sexual harassment is a serious offence and Emmay takes such allegations seriously. In case an aggrieved employee is unable to make a complaint on account of physical incapacity, a complaint in this regard may be filed by (a) a relative of the employee; a co-worker; an officer of the National or State Commission for women; or (d) any person who has knowledge of the incident. However, such complaint may only be made with the written consent of the aggrieved woman employee.

In instances where the aggrieved employee is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (a) a relative or friend; (b) a special educator; (c) a qualified psychiatrist or psychologist; (d) the guardian; or (e) any person who has knowledge of the incident jointly with any of the persons mentioned above.

If the aggrieved employee is unable to make a complaint on account of any reason other than physical or mental incapacity, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved employee. If the aggrieved employee is dead, a complaint may be filed by any person who has the knowledge of the incident, with the written consent of the aggrieved employee's legal heir.

7.5. **Inquiry of complaint**

Emmay shall proceed to make inquiry into the complaint by the aggrieved employee. The complaint should contain all the material and relevant details concerning the alleged harassment including supporting documents and the names and addresses of witnesses (if any). The Committee shall accept a complaint extend the time limit for a period exceeding further 3 (three) months, if the Committee is satisfied that the circumstances were such that it prevented the woman from filing a complaint within the same period.

On receipt of the complaint, the Committee will send 1 (one) copy of the complaint received from the aggrieved employee to the person accused of sexual harassment within 7 (seven) working days.

The person accused of sexual harassment will have to file a reply to the complaint along with a list of documents, names and addresses of witnesses within 10 (ten) working days from the date of receipt of such complaint. Failure to appear, by the person accused of sexual harassment, for 3 (three) consecutive hearings convened by the presiding officer of the Committee without a sufficient cause and subject to provision of 15 (fifteen) days' notice would entitle the Committee to terminate the inquiry proceedings or to give an ex-parte decision on the complaint.

The Committee will inquire into the matter on receiving a response from the person accused of sexual harassment or hold a hearing or formal proceeding, if necessary. The Committee would be entitled to obtain and receive all forms of evidence in this regard and the concerned parties will have to co-operate. The Committee will endeavor to complete the entire process within 90 (ninety) days from the commencement of an inquiry.

Both parties will be given an opportunity to present their views to the Committee. However, no legal practitioners would be allowed to participate in the proceedings of the Committee.

7.6. Action during pendency of inquiry of complaint

During the pendency of an inquiry, upon a written request made by the aggrieved employee, the Committee may recommend to Emmay to:

- transfer the aggrieved woman employee or the person accused of sexual harassment to any other workplace;
- grant leave to the aggrieved woman employee up to a period of 3 (three) months; or
- restrain the person accused of sexual harassment from reporting on the work performance of the aggrieved employee or writing such employee's confidential report and assign the same to another officer. It is clarified that the 3 (three) months leave granted to an aggrieved woman employee will be over and above the leave she is otherwise entitled to as an employee of Emmay.

7.7. Inquiry report

The report of the Committee's finding would be provided to Emmay within a period of 10 (ten) days from the date of completion of the inquiry, and such report would be made available to the aggrieved employee and the person accused of sexual harassment.

If, after the end of the inquiry, the Committee arrives at the conclusion that the allegation against the person accused of sexual harassment has not been proved, it shall recommend to Emmay that no action is required to be taken in the matter.

If the Committee arrives at the conclusion that the allegation against the person accused of sexual harassment has been proven, it shall recommend to Emmay, either, any or all of the following:

- to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the person accused, i.e. Emmay's internal policies;
- subject to prescribed conditions under the applicable law, to deduct, notwithstanding anything in the service rules applicable to the person accused, from the salary or wages of the person accused such sum as it may consider appropriate to be paid to the aggrieved

employee or to her legal heirs, as it may determine, in accordance with the provisions set out below in this paragraph 7.7; and/ or

- to take any action including a withholding of pay rise or increments or terminating the person accused of sexual harassment from the employment of Emmay.

For the purpose of determining the sums to be paid to the aggrieved employee under the preceding paragraph, the Committee shall have regard to:

- the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
- the loss in the career opportunity due to the incident of sexual harassment;
- medical expenses incurred by the victim for physical or psychiatric treatment;
- the income and financial status of the person accused of sexual harassment; and
- feasibility of such payment in lumpsum or in instalments.

Emmay will act upon the recommendation of the Committee within 60 (sixty) days of receipt of the said recommendation.

7.8. Liability for false or malicious complaints and providing false evidence

If the Committee arrives at a conclusion that the allegation against the person accused of sexual harassment is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or the aggrieved employee or any other person making the complaint has produced any forged or misleading document, the Committee shall recommend to Emmay to take any of the actions mentioned under paragraph 7.7 against the said employee or any other person who made the false complaint. However, mere inability to substantiate a complaint or provide adequate proof will not be considered to be a false or malicious complaint.

It is also clarified that malicious intent on part of the complainant shall only be established after an inquiry by the Committee.

7.9. Appeal

Any person aggrieved from the recommendations made under paragraph 7.7 or by the non-implementation of the said recommendations may prefer an appeal within 90 (ninety) days from the date of the recommendation to the court/ tribunal.

7.10. Duties of the Committee

It shall be the duty of the Committee to prepare an annual report in accordance with the Act and to submit it to the District Officer under it. This report would have to be prepared in each calendar year.

8. IMPLEMENTING THE POLICY

The Human Resources Department has the overall responsibility for the effective operation of this Policy.

All managers have a specific responsibility to operate within the boundaries of this Policy and to ensure that all employees understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements. Employees are requested to disclose any instances of harassment of which they become aware to our Human Resources Consultant.

All questions about this Policy and requests for training or information on dealing with harassment should be directed to our Human Resources Head - Aparna Khandwala (aparnakhandwala@emmay.com)

9. MONITORING THE POLICY

Emmay will continue to review the effectiveness of this Policy to ensure that the Policy achieves its aim. It is hereby clarified that Emmay may choose to amend this Policy at any time in accordance with provisions of the law then in force. Emmay shall, before such amendment, inform the employees in writing.

Appendix 1

MEMBERS OF THE INTERNAL COMMITTEE (2022 – 2025)

Sno	Name	Role	Email-Id
1	Anaita Sukeshwala	Presiding Officer	annies@emmay.com
2	Salil Desai	IC Member	saliidesai@emmay.com
3	Aparna Khandwala	IC Member	aparnakhandwala@emmay.com
4	Nandita Mehta	External Member	nandita@riseconsulting.co.in