



The Bombay Presidency Golf Club Ltd.

CIN No.: U92410MH1927NPL001307

Dr. Choithram Gidwani Road, Chembur, Mumbai – 400 074

Tel.No. : 022 – 5096 5000 (Board Line) Email : info1@bpgc-golf.com

Website : www.bpgc-golf.com

Policy for PREVENTION & REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE



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Objective:

BPGC is committed to creating and maintaining a secure, congenial and nurturing workplace, which is free of all forms of harassment where employees, members, member's guest, visitors, vendors, partners and all other stakeholders are treated with dignity and fairness.

Policy

This policy extends to all employees and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

Definitions:

Sexual Harassment at Workplace:

“Sexual Harassment” includes such unwelcome sexually determined behavior (whether directly or by implication) as –

- i. Physical contact and advances; or
- ii. a demand or request for sexual favors; or
- iii. sexually colored remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct which are of sexual in nature

No employee/ member shall be subjected to or subject any one sexual harassment at workplace which may include but is not limited to –

- i. implied or overt promise of preferential treatment in their employment; or
- ii. implied or overt threat of detrimental treatment in their employment; or
- iii. implied or overt threat about their present or future employment status; or
- iv. conduct of any person which interferes with their work or creates an intimidating; or offensive or hostile work environment for them; or
- v. humiliating conduct constituting health and safety problems for them.

Employee

An Employee means a person employed with the Club for any work on permanent, temporary, part time, ad hoc or daily wage basis, 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 includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

Employees, for the purpose of this policy, shall include all persons engaged in the business and operations of the Club and shall include permanent, temporary part time employees. In addition, this policy shall also extend to Members, Guests,



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Consultants or employees of any vendor who may provide services to the Club.

Complainant

A Complainant is any Aggrieved Individual who makes a complaint alleging Sexual Harassment at workplace under this Policy. If the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) then someone else on her/his behalf ca

Respondent

A Respondent is the person against whom the Complainant has made a complaint.

Workplace

A reference to the Club's workplace includes the club's premises and place visited by employees arising out of, or during and in the course of employment and includes all forms of digital communication.

Internal Committee (IC)

The Club has established "Internal Committee" (IC) called POSH Committee for BPGC to deal with sexual harassment at workplace and associated matters at workplace. The POSH Committee shall consist of the following members, who shall be nominated by the Club.

- i. A Presiding officer who shall be a one of the senior women employed at workplace from amongst the employees
- ii. at least 50% of the women of this committee should comprise of women
- iii. one member from amongst non-governmental organizations or person committed to the cause of women

REDRESSAL PROCESS

- 1) A Complainant can make, in writing, a complaint of Sexual Harassment to the POSH Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. The POSH Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.



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- 2) If the Aggrieved Individual is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:
 - a. his/her relative or friend; or
 - b. his/her co-worker; or
 - c. an officer of the National Commission for Women or State Women's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the Aggrieved Individual

- 3) If the Aggrieved Individual is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by:
 - a. his/her relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care he/she is receiving treatment or care; or
 - e. any person who has knowledge of the incident jointly with the Aggrieved Individual's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care.

- 4) If the Aggrieved Individual for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with written consent.

- 5) If the Aggrieved Individual is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.

- 6) The complaint can be submitted to the POSH Committee electronically at **poshcommitteebpgc@gmail.com** or may be physically submitted to any POSH Committee member. The POSH Committee will not accept oral or anonymous complaints under this Policy.

- 7) The Complainant shall submit the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses.
 - a. All complaints should be in writing and signed by the complainant to ensure consistency and accuracy of what has been complained of. A person designated to manage the workplace sexual harassment complaint is required to provide assistance in writing of the complaint if the complainant seeks it for any reason.
 - b. The complainant is required to state explicitly the incidence/s with date and time, place, circumstances prevailing at that time.



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- c. A copy of the statement of the complainant should be shared with the Respondent who will be allowed maximum ten days to reply in writing before appearing before the POSH Committee. The response should be signed by the Respondent
- d. At this level as well, strictest confidentiality shall be observed, therefore restricting all information generated to the smallest possible group.
- e. It must be ensured that the process is brief and quick. The POSH Committee should respond to the complainant within 7 working days of its receipt of the complaint on the further course of action, when the inquiry (if needed) will start.

Conciliation

Prior to initiating an inquiry, the POSH Committee 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. In case a settlement has been arrived at, the POSH Committee shall record the settlement so arrived and forward the same to the management to take action as specified in the recommendation of the POSH Committee .

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

Inquiry

- 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 POSH Committee shall conduct an inquiry regarding the complaint.
- 2) On receipt of the complaint, the IC shall send the copy of the complainant to the Respondent within a period of seven working days.
- 3) Both the parties should be heard separately. First the complainant should be heard and later the Respondent.
- 4) The Respondent shall file reply to the complaint along with list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the complaint.
- 5) The POSH Committee shall make an inquiry into the complaint in accordance with the principles of natural justice. The POSH Committee should notify in writing, the time and dates of its meetings to the Complainant and the Respondent, in advance of any such meeting.
- 6) Before the Inquiry starts the complainant and the Respondent are advised to refrain from contacting each other in all possible ways. Even if they share work



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relationship that needs contact or communication during the Inquiry period; the contact and communication needs to happen via their managers.

- 7) While conducting the inquiry, a minimum of three members of the POSH Committee including the Presiding Officer, External member, shall be present.
- 8) The POSH 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.
- 9) The POSH 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 Chairperson or 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.
- 10) 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 POSH committee.
- 11) During the course of inquiry, the Complainant and the Respondent shall be given an opportunity of being heard
- 12) The inquiry shall be completed within a period of ninety days from the date of receipt of the complaint.

Action during Pendency of Inquiry

- i) During the pendency of an inquiry, on a written request made by the Complainant, the POSH Committee may recommend the following to the management:
 - transfer the Aggrieved Individual or the Respondent to any other workplace
 - grant leave to the Aggrieved Individual up to a period of three months
 - grant such other relief to the Aggrieved Individual as may be prescribed under applicable law
 - restraint the respondent from reporting on the work performance of the Aggrieved Individual or writing confidential report and assign the same to another officer
- ii) The leave granted to the Aggrieved Individual shall be in addition to the leave is otherwise entitled to.

Inquiry Report and Actions

- (i) On the completion of an inquiry, the POSH Committee shall provide a written report of its findings to the Club within a period of ten days from the date of completion of the inquiry.



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- (ii) If the POSH Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Club that no action is required to be taken in the matter.
- (iii) Where the IC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend in writing to the Club to take action against the Respondent, which may include:
- a written apology from the Respondent
 - a letter of warning may be placed in the personal file of the Respondent
 - reprimand or censure
 - immediate transfer or suspension without pay
 - termination from service
 - withholding of pay rise or increments
 - undergoing a counseling session
 - carrying out community service
 - register an FIR against the Respondent in case the act alleged, prima facie constitutes an offense under the BNS
 - 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
- For the purpose of determining the sums to be paid to the aggrieved individual under, the Internal Committee shall have regard to --
- the mental trauma, pain, suffering and emotional distress caused to the aggrieved individual.
 - 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 Respondent.
 - Feasibility of such payment in lump sum or in installments.
- (iv) In case the Club is unable to make deductions from the salary of the Respondent due to his 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 IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.
- (v) The Club shall act upon the recommendation given by the POSH Committee within sixty days of receipt of the recommendation and inform them of the same.



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Malicious Complaint

- a) In case the POSH Committee arrives at a conclusion that the allegation against the Respondent is malicious, or the Complainant has made the complaint knowing it to be false or has produced any forged or misleading document, it may recommend to the Club to take suitable action against the Complainant who has made the complaint, as prescribed under applicable law.
- b) 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 POSH Committee to the Club.

Confidentiality

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made, the identity and addresses of the aggrieved individual, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer.

The provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes the provisions shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

Appeal

If Complainant or Respondent is aggrieved from the recommendations Made by the POSH Committee or non-implementation of such recommendations, may appeal to the appropriate authority, as specified by the law, within a period of ninety days of the recommendations.

Communication and Training

- a) The purpose of these guidelines is to prevent sexual harassment from occurring at workplaces so that the dignity of the employees is protected in the first place, by way of encouraging harassment free workplace.
- b) In order that this is done, appropriate and inappropriate behavior must be conveyed to every employee of organization, including Members, contractors, fixed time hires, retainers, third party vendors, suppliers etc.



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- c) Awareness Training shall be organized for the stakeholders to make them aware of the gender dynamics that take place within a work environment; this will help them to get a fuller understanding of the different perceptions of appropriate behavior. Regular refresher sessions to be conducted for the POSH Committee to update changes in the law.

Employee Obligation and Conduct

All employees / Members are expected to conduct themselves in accordance with this policy both in letter and spirit. Every employee / Member is hereby called upon to ensure and uphold the dignity, freedom and respect of each individual and support the Club's endeavor to ensure this.

An Employee/Member who notices any kind of sexual harassment against any co—employee/Member, receives any information in good faith about any kind of harassment at the workplace is also required to report such incidents to a superior or any member of the POSH Committee for further enquiry and action. Any violation of this policy by any employee/Members whether it is directed toward a co-employee, members, member's guest, vendor, partner, visitor will result in disciplinary action against such employee in the manner set out in this policy.

Members of the POSH Committee

The Management of the Club shall notify details of the members of the POSH Committee constituted under this policy to employees from time to time.

Revision to the policy

The Management of the Club will review or modify this policy, if so required, to make the enforcement of the policy more expedient or to accommodate any changes in the POSH Act.