



## Human Resources

### FAIRNESS AT WORKPLACE POLICY

<b>Authorized by</b>	<b>Date</b>	<b>Version</b>
<b>Group CEO (With Concurrence from Board)</b>	<b>31st January 2017</b>	<b>1.1</b>



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## 1. OBJECTIVE

Narayana Hrudayalaya Limited (“NH”) is committed to provide a workplace that is free of harassment, discrimination, victimization, regardless of gender, race, caste, creed, religion, place of origin, sexual orientation, pregnancy, childbirth or related medical conditions, disability or economic status of the person employed or engaged by NH. NH employees have the right to work in an environment free from any form of discrimination and conduct, which can be considered harassing, coercive, or disruptive as defined in this policy. This policy also aims to ensure prompt, consistent and fair treatment for all NH personnel and to assist in enabling both the employees and NH to be clear about the expectations of both parties.

## 2. SCOPE

- 2.1 This policy will apply to all employees, regardless of their position and place of employment or engagement, including all regular employees, workmen, temporary employees, trainees, full-time consultants, ad hoc employees, daily wage earners, probationers, apprentices, at its workplace or at visit to partner organizations, whether such employees are working for remuneration or on a voluntary basis. .
- 2.2 This policy is not restricted to ‘NH’ office premises only, but extends to all employees wherever such employees have occasion to interact with each other, including for example, in vehicles, third party premises, off site meetings, phone calls, parties and social functions and any place where the employees carry out their duties and responsibilities.
- 2.3 This Policy will also cover all acts that are not covered under the Policy on Prevention of Sexual Harassment at Workplace i.e, all forms of alleged acts of sexual harassment of men by women or between the same sexes.

## PART 1 – GRIEVANCE REDRESSAL

### 3. DEFINITION OF TERMS:

- 3.1 “**Grievance**” shall mean any communication by the Employee expressing dissatisfaction about an action or lack of action related to the benefits made available by NH or related to the working condition or treatment at the workplace;
- 3.2 “**Employee**” means an employee of NH and includes all categories of employees of the Organization either working part-time or full time and including but not limited to regular employees ,Temporary employees, ad-hoc employees, daily wage earners, probationers, apprentices, Trainees, Full-time consultants, Visiting Consultants;



3.3 **“Workplace”** means and includes the offices of NH as well as the premises of other third parties, where the Employees of NH are required to perform work or that are visited by the Employees of NH arising out of or during the course of employment and includes transportation provided by NH for undertaking any journey, in connection with the business of NH.

#### 4. PRE-REQUISITE

- 4.1 It is expected that the employee will have made every reasonable attempt to resolve the Grievance with the appropriate individuals prior to the filing of a formal written grievance. The grievance procedure is not to replace the normal interaction between individuals for the purpose of resolving their differences.
- 4.2 Every reasonable effort should be made by Employee and his/her immediate supervisor to resolve any questions, problems and misunderstandings that have arisen. Accordingly, Employee should first discuss any problems or complaints they may have with their immediate Supervisor, and are urged to initiate such discussions as soon as dissatisfaction arises, with his/her immediate supervisor.
- 4.3 Immediate Supervisors, in turn, are expected to take positive and prompt action to answer the Employee’s questions and resolve complaints presented to them. The immediate Supervisor will evaluate the matter and communicate solution or explanation either in writing or verbally within 7 calendar days.
- 4.4 Employee is encouraged to utilize this grievance procedure without fear of recrimination. NH will not allow any discrimination or retaliation against an Employee that has elected to use this procedure. Any complaints of retaliation should be referred to the following persons as laid down in the table:

<b>EMPLOYEE WITH A GRIEVANCE</b>	<b>AUTHORITY TO REPORT IN THE EVENT OF RETALIATION</b>
Employees who don't report to the Unit Head HR/Unit Facility Director	Unit Head HR/Unit Facility Director
Employees who report to the Unit Head HR/Unit Facility Director	Zonal Head HR/Zonal Facility Director
Employees who report to the Zonal Head HR/Zonal Facility Director and all other Employees	Group Head – HR/CEO

#### 5. GRIEVANCE REDRESSAL PROCEDURE:

Employee who wishes to initiate NH’s Grievance Redressal Procedure should initiate the procedure within 20 days of the event which caused the grievance and follow the process described below. Those involved are expected to comply with the timelines provided in this policy. The grievance should be given by an email and the subject line of the email should be - ‘As per Fairness at Workplace Policy’.



### 5.1 **STEP – 1**

If an Employee does not receive a satisfactory answer or resolution from the immediate Supervisor within the stipulated time frame, the Employee, as applicable, may refer the grievance, to the following people as mentioned below within 10 working days of receiving a unsatisfactory response, or lack thereof, from their immediate supervisor.

<b>EMPLOYEE WITH A GRIEVANCE</b>	<b>AUTHORITY TO REPORT IN THE EVENT OF LACK OF RESPONSE OR UNSATISFACTORY RESPONSE</b>
Employees who don't report to the Unit Head HR/Unit Facility Director	Unit Head HR/Unit Facility Director
Employees who report to the Unit Head HR/Unit Facility Director	Zonal Head HR/Zonal Facility Director

Provided that Employees who report to the Zonal Head HR/Zonal Facility Director and all other employees will directly approach the Grievance Redressal Committee as outlined in Step 2.

The Authority after meeting with the Employee, and his/her immediate Supervisor, shall investigate the matter and communicate a solution or explanation in writing to the Employee within 7 calendar days.

### 5.2 **STEP – 2**

If the concerned Employee is not satisfied with the response received from the authority as described in the table provide in Clause 5.1 above, then he or she will appeal to the Grievance Redressal Committee consisting of the members as given below:

- Group Head-Human Resources
- A Key Management Personnel who is not related to parties to the Grievance.

The Grievance Redressal Committee shall give an opportunity to the Employee to be heard and communicate their final decision within 15 calendar days, which will be binding on all the parties.

5.3 All grievance documents and proceedings will be treated with appropriate confidentiality. Grievance Review records will not be maintained in the personnel file of the Employee. A separate file will be maintained, with strict confidentiality.



## PART 2 – SEXUAL HARASSMENT AND/OR MISCONDUCT AT WORKPLACE

### 6. DEFINITION OF TERMS:

- 6.1 **“Complainant”** means, in relation to a Workplace (as hereinafter defined), a person whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent or has observed or is the recipient of a misconduct (as hereinafter defined);
- 6.2 **“Employees”** means all employees of NH and includes all categories of employees of the Organization either working part-time or full time and including but not limited to Permanent employees; Temporary employees; Trainees; Contract Employees;
- 6.3 **“Employer”** means the Vice-Chairman, Group CEO and Managing Director;
- 6.4 **“Internal Complaints Committee”** or **“ICC”** means a committee constituted by the Employer for the purpose;
- 6.5 **“Member/s”** means a Member/s of the Internal Committee;
- 6.6 **“Misconduct”** shall include but not be limited to the following:
- (a) Behaving in a manner of willful insubordination or disobedience;
  - (b) Smoking and/or consuming Alcohol in the workplace unless authorized by NH;
  - (c) Being rude, threatening fellow employee(s), fighting , indecent or disorderly behavior;
  - (d) Theft, fraud, dishonesty;
  - (e) Possessing any narcotic substances, weapons at the workplace
  - (f) Taking Bribes;
  - (g) Tampering, destroying, disclosing any confidential information to any unauthorized person;
  - (h) Committing a nuisance at the Workplace;
  - (i) Behaving, acting, talking in an abusive manner;
- 6.7 **“Respondent”** means an Employee against whom the Complainant has made a complaint of Sexual Harassment or Misconduct;
- 6.8 **“Retaliation”** means any negative employment action against an employee who has filed a complaint or cooperated in any investigation involving a reported case of sexual harassment or misconduct which can include but not be limited to any negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment or discontinuation of employment/engagement;
- 6.9 **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
- (a) Physical contact and advances; or
  - (b) A demand or request for sexual favours; or
  - (c) Making sexually coloured remarks; or



- (d) Showing pornography; or
- (e) Surreptitiously looking or prolonged staring at a person, giving rise to gross discomfort to the person;
- (f) Telling sexist and/or smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense, and the same being carried out after the offender has been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar;
- (g) malicious leering or ogling;
- (h) the display of sexually offensive pictures, materials or graffiti;
- (i) unwelcome inquiries or comments about a person's sex life;
- (j) unwelcome sexual flirtation, advances, propositions;
- (k) making offensive hand or body gestures;
- (l) persistent unwanted attention with sexual overtones;
- (m) unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver;
- (n) unsavoury remarks about a person's physical characteristics, dressing, attitude, etc. ;
- (o) sexual assault;
- (p) malicious and/or unwanted touching or brushing against a victim's body;
- (q) requesting for sexual favours in exchange for employment, promotion, local or foreign travels, favourable working conditions or assignments, a passing grade, the granting of honours or scholarship, or the grant of benefits or payment of a stipend or allowance;
- (r) derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
- (s) verbal abuse with sexual overtones; and
- (t) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment, may amount to sexual harassment at the workplace:

- (a) Implied or explicit promise of preferential treatment in the Complainant's employment; or
- (b) Implied or explicit threat of detrimental treatment in the Complainant's employment; or
- (c) Implied or explicit threat about the Complainant's present or future employment status; or
- (d) Interference with the Complainant's work or creating an intimidating or offensive or hostile work environment for the Complainant; or
- (e) Humiliating treatment likely to affect the Complainant's health or safety;

6.10 **"Workplace"** means and includes the offices of NH as well as the premises of other third parties, vendors and associates of NH where the Employees of NH are required to perform work or that are visited by the Employees of NH arising out of or during the course of employment and includes transportation provided by NH for undertaking any journey, in connection with the business of NH.

## **7. INTERNAL COMPLAINTS COMMITTEE**

7.1 An Internal Complaints Committee has been constituted by NH to in every administrative unit including but not limited to hospitals, clinics and information centers, to consider and redress all complaints of sexual harassment and/or misconduct at workplace. The Vice-Chairman, CEO and Managing Director shall notify the members of the ICC from time to time.





- 7.2 An Apex Committee shall also be constituted and notified by the Employer to oversee the work of all the Internal Complaints Committees of NH.
- 7.3 The ICC shall comprise of 5 (Five) members appointed by NH, of whom at least 3 (Three) members shall be women, including the Presiding Officer of the ICC. ICC shall not consist of an employee who reports to the Complainant or the Respondent.
- 7.4 Where the Respondent is the person in charge of the workplace concerned, the Employer shall appoint an ad-hoc committee headed by a Presiding Officer who shall be senior in rank and status to the Respondent.
- 7.5 If the Presiding Officer or any member of ICC is junior in the hierarchy of the Respondent, then for that particular case, the Presiding Officer/that member shall be substituted on the ICC by another person in rank and status to the Respondent. This is to avoid any difficulty to diligently carry out the responsibility bestowed on the Presiding Officer/member of ICC against superiors.

## **8. COMPLAINT REPORTING**

- 8.1 Any employee who is the recipient of sexual harassment or has observed or is the recipient of a misconduct is expected to report the same to the authorities mentioned in ICC.
- 8.2 A complainant is advised to lodge a written complaint, of any incident constituting sexual harassment or misconduct that occurred, as soon as possible after the incident has occurred, with any member of the ICC or by sending an email to the notified email address.
- 8.3 In the event the Complainant is unable to make a complaint on account of the Complainant's physical or mental incapacity or death or any other reason which prevents the Complainant from making a complaint, then the Complainant's legal heir or any other person as mentioned below may make the complaint on the Complainant's behalf under the Policy:
  - (i) In the event the Complainant is unable to make the complaint on account of the Complainant's physical incapacity, the complaint may be filed by:
    - (a) the Complainant's relative or friend;
    - (b) the Complainant's co-worker;
    - (c) any person who has knowledge of the incident, with the written consent of the Complainant.
  - (ii) In the event the Complainant is unable to make the complaint on account of the Complainant's mental incapacity, the complaint may be filed by:
    - (a) the Complainant's relative or friend;
    - (b) a special educator;
    - (c) a qualified psychiatrist or psychologist;
    - (d) the guardian or authority under whose care the Complainant is receiving treatment or care;
    - or
    - (e) any person who has knowledge of the incident jointly with the Complainant's relative or friend, or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care the Complainant is receiving treatment or care.
  - (iii) in the event the Complainant is unable to make the complaint for any other reason, the complaint may be filed by any person who has knowledge of the incident, with the Complainant's written consent.



(iv) in the event of the death of the Complainant, the complaint may be filed by any person who has knowledge of the incident, with the written consent of the Complainant's legal heir.

- 8.4 The complaint is to be filed within a period of three months from the date of the incident or in case of a series of events, within a period of three months from the date of the last such incident. The ICC shall for the reasons to be recorded in writing, extend the time limit, which shall not exceed to a further three months, if it is satisfied that the circumstances were such, which prevented the complainant from filing a complaint within the period provided for. Provided that where such complaint cannot be made in writing for any reason, the Presiding Officer or any member of the ICC, as the case may be, shall render all reasonable assistance to the complainant for making the complaint in writing.
- 8.5 The complainant may also submit corroborative material with documentary proof to substantiate the complaint. It is hereby clarified that the lack of documentary proof or corroborative material shall not invalidate any complaint of sexual harassment or misconduct.
- 8.6 Appropriate measures will be taken by the investigating authorities established hereunder to ensure the confidentiality as to the identity of the complainant and the respondent. ICC shall ensure that each party gets a fair hearing in the matter.

## **9. THE RESOLUTION PROCESS**

- 9.1 Every reported complaint of sexual harassment or misconduct will be referred to the ICC for review, investigation and recommendation. Based on the type and severity of the complaint as assessed by the ICC, mediation will be suggested in cases where the complainant has experienced personal harm and has consented to mediation. If mediation is successful and agreed to by both the complainant and the defendant, they must accept and abide by the terms of the settlement in writing.
- 9.2 Provided that where the complainant informs the ICC, that any term or condition of the settlement arrived at has not been complied with by the defendant, or the Complainant does not wish to proceed with mediation or the mediation is not successful, then the ICC shall proceed to make an inquiry into such complaint.
- 9.3 The investigation process will be initiated within 14 (fourteen) working days of receiving the complaint or the conclusion of the process of mediation and ICC will communicate the same to the complainant and to the defendant against whom complaint is made.
- 9.4 ICC shall provide opportunity to the complainant and the defendant to put forward and defend their respective case and the investigation will be done promptly, thoroughly and in as confidential a manner as possible.
- 9.5 ICC shall complete its investigations in connection with any complaint of sexual harassment hereunder within 90 (ninety) days from the date of receipt of the complaint and shall communicate its findings and recommendations to the Apex Committee of NH. On the basis of the investigation report and the recommendations of ICC, the Apex Committee shall arrive at a conclusion. Those found guilty will be subjected to appropriate disciplinary action by NH, which may range from oral/written warnings, extension of probation, change of role or demotion to a lower level, temporary suspension, fines and/or termination of employment.



## **10. PROTECTION AGAINST RETALIATION**

10.1 If an Employee feels that he/she is experiencing any kind of retaliation, victimization or discrimination in the nature of intimidation, pressure to withdraw the complaint or threats for reporting, testifying or otherwise participating in the proceedings, he/she should immediately report the matter by sending an email to the dedicated email address applicable to the Employee and notified by the Employer. All members of the ICC are mapped to/ included in the applicable email id. NH prohibits retaliation against anyone for raising a complaint or helping in addressing the complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination of services. Alleged retaliation or reprisals are subject to the same complaint procedures and disciplinary action as complaints of Sexual Harassment or misconduct.

10.2 If so requested in writing, by the Complainant, pending completion of the Inquiry, the ICC may recommend to the Apex Committee to:

- (a) transfer the Complainant or the Respondent to any other Workplace; or
- (b) grant leave up to 3 (three) months to the Complainant; or
- (c) grant such other relief to the Complainant as maybe determined by the Apex Committee, including restraining the Respondent from reporting on the work performance of the Complainant or writing any confidential report and assign the same to another officer.

## **11. APPEALS AND ALTERNATE LEGAL REMEDIES**

An employee who feels that his/her sexual harassment or misconduct complaint or a retaliation complaint did not receive prompt and fair response/resolution, may contact the Apex Committee.

## **12. THIRD PARTY HARASSMENT**

Where sexual harassment or misconduct occurs as a result of an act or omission by any third party, NH will take all necessary steps to assist the affected person in terms of providing support for initiating any preventive or remedial actions.

## **13. MALAFIDE COMPLAINTS**

Wrongful allegations, forging or provided misleading documentary proof and publicizing of an incident of sexual harassment or misconduct will be viewed seriously at NH. If after inquiry by ICC, it is found that the complaint was raised with malafide intent, NH can consider this to be misconduct and appropriate disciplinary action will be initiated against the person found guilty of such malafide complaint. This disciplinary action could include termination of employment with NH.

## **14. CONFIDENTIALITY**

All inquiries, complaints and investigations are treated with sensitivity and utmost confidentiality at all times and any such information pertaining to any complaints of sexual harassment or misconduct and the proceedings and recommendations of ICC shall be revealed strictly on a need-to-know basis.



## **15. DISCIPLINE**

Employees who violate the terms of this policy shall be subject to appropriate disciplinary action if an investigation results in a finding that the terms of this policy have been violated and the mandatory minimum disciplinary action being a written reprimand which shall be recorded in the profile of such violator. The discipline for very serious or repeated violations may entail termination of employment of such violator.

## **16. MODIFICATIONS AND AMENDMENTS TO THIS POLICY**

16.1 This policy is adopted and comes in effect from **1<sup>st</sup> February 2017** and will stay in force unless superseded by another similar policy notified by NH.

16.2 NH reserves the right to modify and amend the provisions of this policy, to the extent deemed necessary by NH, from time to time.

## **17. OTHER TERMS**

17.1 If any clarification is required on this policy, please feel free to contact the ICC.

17.2 NH shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of the terms of this policy.