

EXFO INDIA POLICIES

Policy Title	Policy against Sexual Harassment of Women at Workplace	Policy Number	EXFO-POL-HR-13-04 REV 04
Department	HR	Date of Effect	1 st June 2024

PURPOSE OF THE POLICY

EXFO is committed to providing a positive, safe and productive work environment for its employees. Our policy is to provide a work environment free of sexual harassment, to set forth a procedure by which written complaints of sexual harassment are investigated, and to take fair and effective disciplinary action in appropriate cases. In furtherance of this policy, all employees are responsible for contributing to a work environment free of sexual harassment and for cooperating with any investigation of a sexual harassment complaint.

SCOPE OF THE POLICY

This policy applies to all EXFO India employees, consultants, contractors, temporary employees, interns regardless of if they work full or part-time. Moreover, this policy is enforced throughout all levels and for every person who has a working relation with the organization, including senior executives. The policy applies to any work-related incident, whether it occurred on work premises or during normal work hours. Business trips, conferences, seminars, meetings, gatherings, and corporate activities within or outside the premise are therefore also subject to this policy. This policy is gender specific and only women can file a complaint as per this policy. For all other employees Global Psychological & Sexual Harassment Policy will apply.

DESCRIPTION OF THE POLICY

1. DEFINITION

- A.** Aggrieved Person means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- B.** Company means EXFO Electro Optical Engineering (I) Pvt. Ltd.
- C.** Respondent – Any employee against whom such a complaint is made.
- D.** Employer – Person who has control or manages or supervises the workplace. For EXFO the Employer is Managing Director.
- E.** Employee – Person employed on regular, ad hoc, temporary, daily wages basis, vendor, intern, contractor, probationer, etc. Employee is any person with whom there is a working relation.
- F.** Workplace – within the premise, outside the premise, conference, meetings, gatherings, and transportation
- G. Sexual Harassment-** It is an unwelcome act or behaviour of
 - Physical contact or advance
 - Demand or request for sexual favours
 - Sexually coloured remarks
 - Showing pornography
 - Any physical, verbal, non-verbal, gestural, conduct
 - Direct or indirect
 - Implicit or explicit

Sexual harassment also includes –

- Implied or explicit promise of preferential treatment in employment
- Implied or explicit threat about work status
- Creating intimidating, offensive or hostile environment

While it is not possible to list all circumstances which might be sexual harassment, the following are examples of behaviour that may, depending upon the circumstances, constitute sexual harassment:

- Pressure or requests for sexual favours, or sexual advances and propositions.
- Sex-oriented verbal abuse or insults or other sex-oriented discussion
- Offensive gestures suggesting sexual acts.
- Graffiti and displays of sexually suggestive objects or pictures Subjecting a person to an unwelcome act of physical intimacy.
- Making an unwelcome demand or request (directly or by implication) for sexual favours from a person or making a grant of sexual favours a condition for offering employment, retention in employment, payment of wages, increment, promotion, etc.

In addition to the instances mentioned hereinabove, any other acts or behaviour which outrages the modesty of a woman employee, will be considered as sexual harassment. This is only indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

2. INTERNAL COMMITTEE

The Company shall have an Internal Committee (IC), to specifically address any complaints of sexual harassment. The Committee will be constituted by the Company and would be headed by a Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees.

A Committee shall comprise of the following members:

- Lady Chairperson who is in a position to take decisions.
- At least 50% members should be women. External member who is a lawyer, NGO representative or social worker. IC has powers of the Civil Court

Annexure of this policy mentions the names and contact details of the committee members.

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be an external member.

Role of the committee:

- Review the complaint in a fair and objective manner.
- Help the Complainant and the Respondent find a way of solving the problem.
- Determine the facts of the case with the individuals concerned and the witnesses, if any, and prepare a report with the findings.
- Follow the principle of natural justice and be unbiased during the inquiry.

3. EMPLOYEE RESPONSIBILITY

Every employee is responsible for:

- Immediately notifying the Human Resources Representative of any complaint of sexual harassment that is reasonably believed to be in violation of this policy
- Taking action in coordination with Internal Complaints Committee (ICC) to resolve incidents of sexual harassment.
- Being a witness before the committee if required
- Maintaining confidentiality of the matter

Process

A. Filing of the Complaint

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee giving details of the sexual harassment meted out to her within a period of ninety (90) days from the date of incident and in case of a series of incidents, within a period of ninety (90) days from the date of last incident, which may be extended for a further period of 90 days, if circumstances warrant such extension in the opinion of the Internal Committee, for reasons to be recorded in writing. Complaints can be sent by email at apac.hr@exfo.com

- The complaints cannot be anonymous.
- The Presiding Officer or any Member of the Internal Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
- The complaint should be sent to the Internal Committee in 6 copies. On receipt of complaint, the Internal Committee shall decide the place and time for hearing the complaint and shall inform the date, time and place of hearing to the Complainant and Respondent. The Internal Committee shall follow principles of natural justice while handling such complaints. All complaints received by the Internal Committee are dealt with extreme confidentiality. No member outside of the Committee other than the Complainant, Respondent and / or anyone related to the inquiry proceedings should be made aware of any facts of the case.

(i) Where the aggrieved person is unable to make a complaint on account of their physical incapacity, the complaint may be filed by

- a) a relative or friend; or
- b) a 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 person.

(ii) Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by-

- a) a relative or friend; or
- b) a special educator' or
- c) a qualified psychiatrist or psychologist; or
- d) the guardian or authority under whose care they are receiving treatment or care; or
- e) any person who has knowledge of the incident jointly with any of the above.

(iii) Where the aggrieved person 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 their written consent.

(iv) Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

Internal Committee on receipt of such written complaint, may, if required ask the aggrieved person to furnish additional information about the alleged harassment.

B. Interim Recommendation:

On the receipt of the complaint the IC will ensure the safety of the Complainant by issuing interim recommendation if required.

C. Reply from Respondent:

- On receipt of such complaint, Internal Committee shall provide a copy along with supporting documents of such complaint to the Respondent within 7 working days.
- Respondent shall file reply in 6 copies within 10 working days of receipt of the notice along with list of documents, names and addresses of witnesses.

D. Statement of the Parties

- Internal Committee shall investigate in detail into the matter of the complaint. The IC members will meet the Complainant and the Respondent individually. The Internal committee shall have the right to call any other witnesses as when necessary.
- During the inquiry process, the Complainant and the Respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- The Committee will conduct inquiry in accordance with the principles of natural justice and will ensure to give both parties, the Complainant as well as the Respondent, a right to be heard and present their case before the Committee.
- The Committee shall ensure confidentiality during the inquiry process and will ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- The parties shall not be allowed to bring or consult any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

E. Non-Appearance of Parties

- Internal Committee shall have the right to dismiss the case or give ex-parte decision on the complaint, if the Complainant or Respondent remains absent respectively, for 3 consecutive hearings, without sufficient cause, provided that such dismissal or ex-parte Order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.
- The Internal Committee must complete the proceedings within a period of 90 days.

F. Conciliation

- The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Committee shall ensure that:
 - 1) Monetary settlement will not be made as a basis of conciliation.
 - 2) Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.
- Where, a settlement is arrived as mentioned hereinabove, no further inquiry shall be conducted by the Internal Committee.
- The IC shall provide the copies of settlement as recorded to both the parties.

- If Complainant does not request for settlement or if no settlement is reached through conciliation or if any term or condition of the settlement has not been complied with by the Respondent, ICC will proceed with the inquiry.

G. Inquiry

- The IC shall have the power of Civil Court when conducting an inquiry and includes:
 - a. Summoning and enforcing attendance of any person and examining the person on oath.
 - b. Requiring the discovery and production of documents and
 - c. Any other matter which may be prescribed
- The inquiry will involve the following:
 - a. Getting all relevant information from the Complainant.
 - b. Informing the Respondent of the details of the complaint within 7 working days. The Respondent shall file his reply to the Complaint along with the list of documents and names and addresses of witnesses within a period of 10 working days from the date of receipt of the complaint.
 - c. Giving both parties an opportunity of being heard
 - d. Requiring production of documents
 - e. Examining witnesses, if any.
 - f. Fair and objective investigation based on principles of natural justice.
 - g. Giving both parties copy of the findings enabling them to make representation against findings of IC.
 - h. Process Documentation of all details of the complaint and inquiry including all evidence shared during inquiry, conclusions drawn, and action taken. The IC is required to maintain utmost Confidentiality of the Complainant, the witnesses and Respondent to extent possible.
 - i. The IC is empowered to take all actions that the independent inquiry committee considers reasonable and necessary to fulfill its responsibilities under this policy.
 - j. The IC shall complete the inquiry within 90 days and submit its report to the Employer with its findings and make recommendations on the action to be taken (if any) within 10 days from the date of completion of inquiry.
 - k. The Employer shall take action required to be taken (if any) on the IC's recommendations within 60 days and send the report of such implementation to the IC.
 - l. The IC shall communicate to the Complainant and Respondent, the findings of its inquiry and action recommended (if any).

H. Recommendations

- If the IC concludes that the allegations against the Respondent have not been proved, it shall recommend that no action is required to be taken in the matter.
- If the IC concludes that the allegations against the Respondent who is an Employee (other than an employee of a third party) has been proved, the Employee shall be liable to disciplinary action including a written apology, warning, reprimand or censure, deduction of a certain sum from the salary to be paid to Complainant, withholding variable or performance pay-outs, withholding of promotion, withholding of pay rise or increments, termination of employment as recommended by the IC.
- In case the Respondent fails to pay the sum to the Complainant, the IC may forward the order

for recovery of the sum as an arrear of land revenue to the concerned district officer notified by the government.

- In all other cases, if the IC finds any person guilty of engaging in Sexual harassment, the Company shall report the same to such person's employer with a demand that such person not be entrusted to deal with the Company any further.
- The Company is entitled to initiate further legal action if the Sexual harassment also constitutes a cognizable criminal offence under any applicable law as stated below.
- The Complainant is entitled to remedies under other laws in addition to making the complaint with IC.

I. Additional Action

- If the Sexual harassment involves physical or sexual assault or other acts which amount to criminal offences under the Indian Penal Code, 1860 or any other law for the time being in force, in addition to dealing with the complaint under this Policy, the Company will assist the Complainant in filing a complaint or cause to initiate action with the appropriate authorities.

J. Malicious Complaints

- If the IC concludes that the allegations against the Respondent is malicious or was made knowing it to be false or Complainant has produced any forged or misleading document, IC may recommend to take disciplinary action against the Complainant, including deduction of certain sum from salary to be paid to the Respondent, withholding variable or performance pay- outs, withholding of promotion, withholding of pay rise or increments, temporary or permanent transfer from project/location, temporary suspension or termination of employment as recommended by IC. An inquiry must be made to establish malicious intent. Also, mere inability to substantiate a Complaint or produce evidence will not attract any action. The person claiming that it is a false or malicious complaint must prove it,
- If the IC concludes that during the inquiry any witness has given false evidence or has produced any forged or misleading document, IC may recommend taking action against the witness for misconduct.

K. Confidentiality

- Company will not disclose any information about a complaint to anyone other than Complainant or Respondent, except as necessary to investigate the complaint or to take disciplinary action, or as required by law.
- All staff has a responsibility to cooperate in the investigation of a harassment complaint.
- Anyone who gives evidence in an investigation, or who is otherwise involved in the process, must keep this information confidential, except as is necessary to deal effectively with the complaint. These are serious issues, and people's privacy must be respected.
- Even once a complaint is resolved, confidentiality and respect are important.
- Information about justice secured to the Complainant may be disseminated without disclosing the identity of the parties.

L. Appeal

- Any person aggrieved from the recommendations made by the IC or non-implementation of the recommendations made by the IC may file an appeal to the appellate authority notified under clause (a) of the Industrial Employment (Standing Orders) Act, 1946 with 90 days of the recommendations.

ANNUAL REPORT

The ICC shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

The District Officer shall forward a brief report on the annual reports to the State Government.

The employer shall include in its report the number of cases filed, if any, their disposal, and preventive measures taken in the annual report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

PROHIBITION AGAINST RETALIATION

It is unlawful and against EXFO policy to retaliate against an employee for making a complaint of sexual harassment, or for cooperating in an investigation of a complaint of sexual harassment. Any employee who engages in retaliatory conduct is subject to disciplinary action.

TERMS AND CONDITIONS

- HR to have the final discretion on policy interpretation

The current policy overrides all other previous policies on the same subject

Approved by:

Date: 19th June 2024

Human Resource

Annexure for policy against Sexual Harassment of Women at Workplace

The committee has been set up to consider and redress complaints of Sexual Harassment. Below are the members in the committee:

Name	Contact Number
Kalyani Patne (Chairperson)	9823745606
Kamlesh Maheshwari	8605018699
Swati Kachare	9028843542
Ankur Satle	9970187488
Adv. Rama Sarode (member belonging to 3 rd party)	9822532137