



POLICY AGAINST SEXUAL HARASSMENT
IN THE WORKPLACE

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POLICY AGAINST SEXUAL HARASSMENT IN THE WORKPLACE

1. **POLICY STATEMENT:** NIGHT SHIFT STUDIOS LLP is committed to providing a safe and secure working environment for its employees and associates. Furthermore, NIGHT SHIFT STUDIOS LLP supports and propagates the notion that all employees and associates are to be respected and afforded equitable treatment. In furtherance of this ideal, this Policy Against Sexual Harassment in the Workplace (hereinafter referred to as “Policy”) has been formulated so as to ensure that the dignity of all the employees and associates of NIGHT SHIFT STUDIOS LLP is protected and to enable the development of a work atmosphere that is conducive to the professional growth of the employees and associates.
2. **DEFINITIONS:**
 - 2.1. “Aggrieved Person” shall mean a person in relation to work place whether employed, who alleges to have been subject to any act of sexual harassment by the Respondent.
 - 2.2. “Associate” shall mean service providers, freelancers, members of the cast and crew and others who are associated with NIGHT SHIFT STUDIOS LLP on a project basis.
 - 2.3. “Company”, “Companies” or “NIGHTSHIFT” shall mean Night Shift Studios LLP including but not limited to its affiliates, associates and partners.
 - 2.4. “Complainant” shall mean whosoever files a complaint with the Internal Complaints Committee.
 - 2.5. “Employee” shall mean a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, 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.
 - 2.6. “HR Department” shall mean Human Resources Department.
 - 2.7. “Internal Complaints Committee” shall mean a committee set up as per Section 6 of this Policy.
 - 2.8. “NGO” shall mean any Non-Governmental Organization.
 - 2.9. “Respondent” shall mean a person against whom the complainant has made a complaint.
 - 2.10. “Sexual Harassment” shall include but not be limited to any physical contact and advances (verbal, written or physical); OR a demand or request for sexual

favors; OR making sexually colored remarks or “jokes”; OR showing pornography; OR unwelcome physical, verbal or non-verbal conduct of sexual nature; OR any other conduct that has the purpose or the effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

2.11. “Workplace” shall mean any department, office, branch or unit of the Company and shall include but not be limited to all such places or locations (including film shooting locations) where acts are conducted in context of working relationships or while fulfilling professional duties which may be visited by an employee/associate during the course of employment including outstation travel, stay during outstation travel and transportation provided by the Company for undertaking such visits.

3. SCOPE: This Policy has been formulated with the aim to prevent, prohibit and redress instances of sexual harassment that may arise in the workplace. This Policy applies to all categories of employees and associates of NIGHTSHIFT. NIGHTSHIFT will not tolerate sexual harassment, if engaged in by clients or by suppliers or any associates.

4. CODE OF CONDUCT:

4.1. Every Employee and Associate shall;

4.1.1. Know NIGHTSHIFT’s Sexual Harassment Policy;

4.1.2. Be aware of any and all inappropriate behavior and avoid the same;

4.1.3. Avoid uncomfortable situations;

4.1.4. Refuse to go to places or participate in questionable activities;

4.1.5. Report offensive behavior at the time of occurrence of the same;

4.1.6. Maintain the confidentiality regarding any aspect of an enquiry which they may be party to.

4.2. No Employee/Associate shall indulge in any form of verbal harassment, including but not limited to;

4.2.1. Making sexually suggestive comments;

4.2.2. Using offensive language that insults or demeans a colleague;

4.2.3. Using terms of endearment;

4.2.4. Singing or humming vulgar songs;

4.2.5. Requesting sexual favors or repeated dates;

4.2.6. Engineering unnecessary social interactions;

- 4.2.7. Making sexual advances, sexually colored propositions, insults or threats, or coercing acts of a sexual nature;
- 4.2.8. Discussing sexual activities, sexual prowess or intruding on the privacy of colleagues;
- 4.2.9. Graffiti in the office premises.
- 4.3. No Employee/Associate shall indulge in any form of non-verbal harassment, including but not limited to;
 - 4.3.1. Making offensive sounds and gestures or staring, leering, whistling or indulging in any other lewd activity;
 - 4.3.2. Displaying offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at the workplace;
 - 4.3.3. Showing or mailing pornographic posters, internet sites, pictures, drawings, cartoons etc.;
 - 4.3.4. Sending suggestive letters, phone calls, SMS, electronic instant messaging or e-mail messages etc;
- 4.4. No Employee/Associate shall indulge in any form of physical harassment, including but not limited to;
 - 4.4.1. Any physical contact or advances;
 - 4.4.2. Any intentional touching of the body that makes others uncomfortable;
 - 4.4.3. Any displays of affection that are inappropriate at the workplace;

5. AWARENESS:

- 5.1. All the Employees, Associates, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
- 5.2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy, to new employees during their initial induction by the HR team and to associates at the time of commencement of any project.
- 5.3. The Company shall comply with all other details as set out under Section 19 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act to ensure that all employees and associates are provided with the safe working environment at the workplace.
- 5.4. NIGHTSHIFT shall make available this Policy and the names of the Internal Complaints Committee members at a conspicuous place/in its website.

6. INTERNAL COMPLAINTS COMMITTEE:

- 6.1. All complaints of sexual harassment raised by the employees or associates of NIGHTSHIFT shall be filed with the Internal Complaints Committee set up for the enquiry into and redressal of all such complaints.
- 6.2. The Internal Complaints Committee shall be constituted of the following members as nominated by NIGHTSHIFT:
 - 6.2.1. A senior woman employee – she shall also be the Chair Person of the committee.
 - 6.2.2. Not less than two (2) members from amongst employees or associates, at least one being a woman.
 - 6.2.3. One member from an NGO or a lawyer.
- 6.3. The Chairperson and every member of the Internal Complaints Committee shall hold office for a period not exceeding three years from the date of their nominations.
- 6.4. The Internal Complaints Committee shall be responsible for:
 - 6.4.1. Investigating every formal written complaint of sexual harassment;
 - 6.4.2. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment;
 - 6.4.3. Discouraging and preventing employment-related sexual harassment;
- 6.5. The Internal Complaints Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
 - 6.5.1. Number of complaints of sexual harassment received during the year;
 - 6.5.2. Number of complaints disposed off during the year;
 - 6.5.3. Number of cases pending for more than 90 days;
 - 6.5.4. Number of workshops or awareness program against sexual harassment carried out;
 - 6.5.5. Nature of action taken by the Company.
- 6.6. No person who is a complainant, witness or respondent in the complaint of sexual harassment shall be a member of the Internal Complaints Committee.
- 6.7. Any member of the Internal Complaints Committee charged with sexual harassment must step down as a member during the enquiry into that complaint.
- 6.8. If in the Internal Complaints Committee, the member representing the category of the respondent is a junior in the hierarchy of the Company to the respondent, then for that particular enquiry, that member shall be substituted to the Committee by another person, senior in rank to the respondent.

7. PROCEDURE OF FILING A COMPLAINT:

- 7.1. The Complainant may make a formal complaint in writing addressed to the Chairperson of the Internal Complaints Committee.
- 7.2. The complaint shall be made preferably within 3 months from the date of occurrence of the alleged incident.
- 7.3. If the aggrieved person is unable to make a complaint on account of his/her physical or mental incapacity, death etc., his/her legal guardian, legal heir or such other person as prescribed may make a complaint within 3 months of the incident.
- 7.4. Nevertheless, considering the sensitivity of the issue and the emotional aspects that may arise, a delay may be considered favorably by the Internal Complaints Committee provided the complainant submits a sufficient cause for delay.
- 7.5. In case the employee or associate has experienced the sexual harassment during the tenure of employment/Project, but has since left the services of the Company, the Internal Complaints Committee shall accept the complaint so long as it is received in writing within 3 months from the date of cessation of employment.
- 7.6. The complaint shall be in writing, signed by the complainant and may either be in the form of a letter sent in a sealed envelope to the address Night Shift Studios, 5B, 2nd Floor, Sriman Srinivasan Cross Street, Alwarpet, Chennai 600018 or the complainant can send the complaint through an email to the email ID complaints@nightshiftstudios.in
- 7.7. The complaint shall include;
 - 7.7.1. the circumstances giving rise to the complaint, the dates of the alleged occurrences and names of witnesses if any;
 - 7.7.2. the name, department and division of the complainant and/or the aggrieved person as well as the location they are working in, so as to enable the Internal Complaints Committee to contact them and take the matter forward.

8. INTERIM MEASURES

- 8.1. During the pendency of such investigation, on a written request made by the aggrieved person, the Internal Complaints Committee as the case may be may recommend to the Company to.
 - 8.1.1. transfer the aggrieved person or the respondent to any other workplace; or
 - 8.1.2. grant leave to the aggrieved person up to a period of three months or
 - 8.1.3. grant such other relief to the aggrieved person as may be prescribed.

- 8.2. The leave granted to the aggrieved person under this section shall be in addition to the leave he/she would be otherwise entitled.
- 8.3. On the recommendation of the Internal Complaints Committee, as the case may be, the Company shall implement the recommendations made and send the report of such implementation to the Internal Complaints Committee, as the case may be.

9. REDRESSAL MECHANISM:

- 9.1. Within five (5) working days from the date of receipt of a complaint, the members of the Internal Complaints Committee shall meet for preliminary discussions of the complaint raised.
- 9.2. The Chairperson, with the assistance of the members shall then set about to determine whether such complaint falls within the purview of sexual harassment.
- 9.3. If the complaint does not fall within the purview of the sexual harassment in the workplace, an order to this effect shall be recorded and communicated to the complainant.
- 9.4. **Investigation:** If the complaint constitutes sexual harassment in the workplace, the Internal Complaints Committee shall follow the below process of investigation:
 - 9.4.1. Internal Complaints Committee may, if required, ask the aggrieved person and/or the complainant to furnish additional information about the alleged harassment.
 - 9.4.2. Internal Complaints Committee shall provide a copy of the complaint along with supporting documents if any, to the Respondent within seven (7) working days of receipt of the complaint.
 - 9.4.3. Respondent shall file reply within ten (10) working days of receipt of the complaint along with list of documents, names and addresses of witnesses.
 - 9.4.4. Following this, the Internal Complaints Committee shall conduct an inquiry into the matter and shall be at liberty to take testimonies of relevant persons and review the evidence wherever necessary.
 - 9.4.5. The venue of inquiry if any, shall take into consideration the convenience and security of the complainant.
 - 9.4.6. Internal Complaints Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or Complainant and/or Aggrieved Party remains absent for three (3) consecutive hearings, without sufficient cause.

- 9.4.7. During the process of investigation, the complainant and/or aggrieved person and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- 9.4.8. The Internal Committee must complete its investigation preferably within a period thirty (30) days and not later than ninety (90) days from the receipt of the complaint.
- 9.5. For conducting the enquiry the quorum of the Internal Complaints Committee shall be of three (3) members including the Chairperson, at least two of who shall be women.
- 9.6. **Decision and Action:** On completion of the investigation;
- 9.6.1. Within ten (10) working days, the Internal Complaints Committee shall provide a report of its findings and such report shall be made available to the concerned parties.
- 9.6.2. If the allegation against the respondent has not been proved, the Internal Complaints Committee may recommend that no action needs to be taken in the matter.
- 9.6.3. Corrective action may include but not be limited to any of the following:
- (i) Formal apology;
 - (ii) Counseling;
 - (iii) Written warning to the perpetrator and a copy of it maintained in the perpetrator's file;
 - (iv) Change of work assignment / transfer for either the perpetrator or the aggrieved person;
 - (v) Suspension or termination of services of the employee/associate found guilty of the offence;
 - (vi) Any legal action as prescribed by law such as filing a police complaint, initiating legal proceedings etc.,
- 9.6.4. Such action will be taken within thirty (30) days of the receipt of report and shall be implemented by the concerned HR department.

10. FALSE ACCUSATION:

- 10.1. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the complainant produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the complainant, including termination of service.
- 10.2. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a

complaint or provide adequate proof would not attract action as provided herein.

10.3. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

10.4. It is to be noted that this section is not intended to discourage complainants from coming forward with any complaints. NIGHTSHIFT recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

11. CONFIDENTIALITY:

11.1. The identity and other personal details of the complainant shall be kept confidential by the Company except where disclosure is required under law or disciplinary processes.

11.2. Any and all records of complaints, including contents of meetings, results of investigations and other relevant material to the complaints shall be kept confidential by the Company except where disclosure is required under law or disciplinary processes.

12. PROTECTION OF THE COMPLAINANT/S: Provided that the complainant has not made a false accusation;

12.1. The Company shall safeguard the complainant from any form of reprisal due to making such a complaint.

12.2. The Company shall ensure that the complainant or witnesses of sexual harassment in the workplace are not victimized or discriminated against while dealing with complaints of such sexual harassment.

12.3. The filing of the complaints shall not ordinarily adversely affect the complainant's status/job/salary/promotion/grades etc. During the pendency of an enquiry and till the final determination of a complaint of sexual harassment the conditions of service of the Complainant/Witness concerned shall not be altered to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this Policy.

12.4. If an employee/associate believes that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings before the Internal Complaints Committee, then, such employee/associate should

immediately report the matter to the Internal Complaints Committee and the Internal Complaints Committee shall take appropriate action regarding this. Undue influence, whether direct or indirect, to the proceedings by any party shall also be dealt with in this manner.

13. REVIEW AND AMENDMENT OF THE POLICY:

13.1. This policy shall be reviewed annually by the Company.

13.2. NIGHTSHIFT shall have the sole right to make any alterations or amendments or rescind any of the clauses of the policy as and when necessary, provided such alterations, amendments or rescinding comply with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in force at that time.

13.3. Any such alterations, amendments or rescinding shall be intimated to the employees and associates by NIGHTSHIFT.

14. MISCELLANEOUS: Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee/associate under any other Rules or Law.

GENERAL PROCEDURE OF COMPLAINT AND INVESTIGATION

