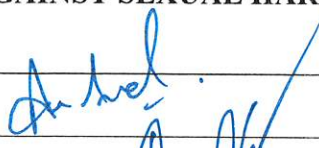

 HYATT REGENCY™	<b>Human Resources - Policy and Procedure</b>	<b>Hyatt Regency Delhi</b>
<b>Procedure Number</b>	<b>POLICY AGAINST SEXUAL HARRASSMENT</b>	<b>Effective Date</b> January 1, 2025
<b>HR - 0018</b>		<b>Review Date</b> December 31, 2026
<b>Initiated By</b>	SIGNATURE 	Director of Human Resources
<b>Approved By</b>	SIGNATURE 	General Manager

## **POLICY**

All the employees have the right to be treated with respect, dignity and to be protected from all forms of harassment/discrimination. The company, any General Manager or any member of the management team shall not tolerate, permit or condone any forms of harassment in the workplace. Should employee experience harassment, they are to be encouraged to report this without fear or favour, and be provided with protection against repetition, retribution or victimization as a consequence.

It is the responsibility of the company to provide a suitable and confidential reporting system and ensure that legal, moral and ethical standards for dealing with harassment are swiftly and appropriately followed.

Ignorance of Harassment laws and this policy are no excuse for an employee to practice or experience discrimination. It is the responsibility of the human resources team to clearly explain our policy and the laws governing harassment to all employees. It is the responsibility of all employees to abide by these laws and Hyatt's policy and understand that they will be sternly dealt with in accordance with the applicable Laws in the event that harassment is proven.

## **PURPOSE**

The Hotel stands committed to uphold and promote equality and keep the workplace free from any harassment conduct, be it of a sexual nature, be it or physically/verbally/mentally of threatening nature. This policy statement clearly expresses the Hotel's concern and commitment to ensure that the workplace remains free and clean from all acts of such harassment.

The aim of the policy is to ensure that harassment does not occur at the workplace, and if it does occur, to deal with this menace swiftly, effectively and to ensure that it does not occur.

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## **PROCEDURE**

### **Definition:**

The Sexual Harassment has been defined by the Hon'ble Supreme Court as under in the case of Vishakha & Others:

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- (a) physical contact and advances.
- (b) a demand or request for sexual favours.
- (c) making sexually colored remarks.
- (d) Showing pornography.
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts are committed in circumstances under which the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work (whether she is drawing salary or honorarium or voluntary service, whether in government, public or private enterprise), such conduct can be humiliating and may constitute a health and safety problem, it amounts to sexual harassment in the workplace. It is discriminatory, for instance, when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work (including recruiting and promotion), or when it creates a hostile working environment. Adverse consequences might result if the victim does not consent to the conduct in question or raises any objection thereto.

### **Responsibility:**

It is duty/responsibility of the management and other responsible persons in the company to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required as stipulated in the Policy. The management and employees have the mutual responsibility to ensure that the working environment remains clean and free from all forms of harassment. Collectively we also have the duty to report all cases of harassment to the senior human resources specialist, should this behaviour be witnessed by any employee, direct or indirect at any time in the workplace. Management (including Assistant Managers and Team Leaders) has a particular duty to ensure that harassment does not occur in areas, which are under their charge.

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### **Complaints Procedure**

An employee who has a complaint of harassment should be in the first instance make it clear to the offender that this behaviour is not appropriate and is considered unwelcome. The offender should be warned that such conduct should not be repeated or else would be reported to the Appropriate Authorities.

- If such a direct confirmation/confrontation with the offender does not solve the problem or is not feasible for any reason, the employee experiencing harassment should immediately report this treatment to a manager or member of the Management Team who is a person of their choice. When reporting harassment, an employee is required to provide full details of the treatment/behavior and information concerning the offender in writing.
- The Management then has the responsibility of securing any relevant information concerning the complaint before referring the complaint in confidentiality, to the senior Human Resources representative available in the hotel within 24 hours. It is the responsibility of the Manager to ensure this policy and procedure is fully followed
- If the complaint involves a Manager, Department Head or Executive, or if the employee does not feel the matter can be properly discussed with their Manager, the employee should be encouraged to report the problem directly to the senior hotel Human Resources Specialist, General Manager or Area Human Resources Specialist immediately.
- All Human Resource Specialists shall encourage any employee, who believes that a co-worker, supervisor, or any other person(s) has harassed him/her, to report the facts of the incident to him or her or to another manager, other than who has/have harassed him.
- If a harassment incident is reported to a member of the Management Team, that person is responsible for reporting it without delay to the hotel Human Resources Specialist immediately, who will in turn report incidents of a serious nature to the Area Director of Human Resources. In the case of an offending Department Head or Executive this will be reported to the Divisional Human Resources Specialist. The Area and Divisional Human Resources Specialist will then be required to formally investigate such incidents and ensure that appropriate actions are taken.
- Complaints concerning harassment are to be handled with tact and diplomacy and kept as confidential as the situation permits.
- In addition, an employee shall also have the right to lodge a formal complaint to the Confidential Counselor appointed for this purpose or the Complaints Committee set up for this purpose, without having to first approach the Confidential Counselor.

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**These terms are explained more fully below:**

**Confidential Counselor:** The Hotel will appoint and notify a female Confidential Counselor for female employees to go to in the event of harassment being claimed.

- It is the duty of the Confidential Counselor to render first care if necessary and provide support with regard to any complaint of sexual harassment. In addition, the Confidential Counselor will provide assistance to the complainant when required.
- The Confidential Counselor will lodge a formal complaint in writing on behalf of the employee to the Complaints Committee. After lodging such a complaint, the Confidential Counselor will provide advice, support and assistance to a complainant before, during and after an investigation of any complaint.
- The Confidential Counselor would be accountable only to the hotel Director of Human Resources for matters relating to this responsibility
- It is the responsibility of the senior hotel Human Resources Specialist to appoint a suitable Confidential Counselor (who agrees to assume this responsibility), and display full details of the person on the Hotel Notice Board

**Constitution of Internal Complaints Committee:** The Hotel is also required to establish a Complaints Committee in accordance with the guidelines laid down by the Hon'ble Supreme Court in the matter of Vishakha & Others to enquire into any complaints concerning of sexual harassment. Committee Members will comprise of employees and Managers who are deemed as responsible, suitable and of good moral standing, as per the following norms:

- A lady is required to head the Complaints Committee
- Not less than half of the Complaints Committee is required to be female
- Further, to prevent the possibility of any undue pressure or influence of any nature whatsoever, there should be involvement of a third party in the Complaint Committee, either from some NGO or other body, who is familiar with issue of the sexual harassment. We have a tie up with an NGO as mentioned in the Annexure A.
- It is the responsibility of the senior hotel Human Resources Specialist to appoint a suitable Complaints Committee (who agree to assume this responsibility) and display the full details of Committee Members on the Hotel Notice Board to make people aware of the female rights in this regard and also to make the offenders aware of the consequences of such act, if committed.
- It is also responsibility of the senior hotel Human Resources Specialist to forward such complaints to the Complaints Committee, where-ever felt necessary on case to case basis.

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**Procedure of the complaints committee for handling a harassment complaint:**

- On receipt of a written complaint of sexual harassment, the Complaints Committee will launch an investigation within 24 hours.
- During such an investigation, the Complaints Committee will hear the complaint of the employee and shall examine the witnesses, if any. Their statements will be recorded and signed. The Complaints Committee will also hear the accused employee and witnesses if any. Their statements will also be recorded and signed.
- The complaining employee has the right to be accompanied during such investigation by the Confidential Counselor.
- The proceedings of such an investigation are to be completed expeditiously. With the rare exception of compelling reasons, proceedings are to be completed within three working days of the complaint being received.
- The Complaints Committee will submit its report to the General Manager and senior hotel Human Resources Specialist within three working days of the conclusion of the proceedings, together with its recommendations.
- The Complaint Committee shall ensure that the proceedings held by it is fair, unbiased and unprejudiced.
- The General Manager is required to provide a copy of the Complaints Committee Report and a recommended course of action to the Area Director and Divisional Human Resources Specialist without any delay.
- The Area/Divisional Human Resources will provide their comments and any sanctions to proceed within 24 hours.
- Where a prima facie case is found by the Complaint Committee and the management has concurrence with the findings of the Complaint Committee, and also if such conduct amounts to misconduct under the service conditions/certified standing orders of the company, appropriate disciplinary action shall be initiated by the management against the offender(s). Where such conduct amounts to a specific offence under the Indian Penal Code or under any other Law, the company shall initiate appropriate action in accordance with Law by making a complaint with the appropriate authority.
- **ASSURANCE:** The Hotel assures complainants and their witnesses that they will not be discriminated against. The Hotel also assures confidentiality and speedy treatment of complaints regarding sexual harassment. Regardless of the outcome of a harassment complaint made in good faith, the employee lodging the complaint, as well as anyone providing information will be protected from any form of retaliation by either co-workers or superiors. This includes dismissal, demotion, unwanted transfer, and denial of opportunities within the company or harassment of an individual as a result of her/his having made a complaint or having provided evidence regarding the complaint.

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- The victims of sexual harassment would have the option to seek the transfer of the perpetrator or their own transfer

### **Lodging a false complaint**

PLEASE NOTE: If, based on investigations, the hotel arrives at the conclusion that a prima facie case of harassment has not been made out against an employee and that the charges were brought falsely and with malicious intent the Hotel will initiate appropriate disciplinary action including termination against an employee who falsely accuses another employee in accordance with the Hotel's Disciplinary procedures. All records of sexual harassment reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

### **Third party harassment**

When sexual harassment occurs because of an act or omission by any third party or outsider, the Hotel will take steps necessary to assist the affected employee in terms of support and preventive action within the legal norms.

### **Harassment Investigation Guide**

Getting the employee to describe the claim:

- 1) Listen to the charge. Don't make comments like, "You're overreacting"
- 2) Acknowledge that bringing a harassment complaint is a difficult thing to do
- 3) Maintain a professional attitude
- 4) Gather the facts; don't be judgmental
- 5) Ask who, what, when, where, why and how
- 6) Find out if the employee is afraid of retaliation
- 7) Establish how the employee prefers for the issue to be handled

### **Conducting an investigation of the claim general rules to follow:**

- 1) Investigate immediately. Delaying or extending an investigation can make witness testimony increasingly unreliable.
- 2) Remember that the manner in which the investigation is handled can itself furnish grounds for a hostile environment claim, so carefully document every step.
- 3) Treat all claims seriously even those that seem frivolous-until you have reason to do otherwise.
- 4) Keep the investigation confidential.
- 5) Emphasize to the involved that your discussions are not to be shared with unconcerned parties.
- 6) Warn of possible disciplinary action, if necessary
- 7) Limit the number of persons who have access to the information

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- 8) Communicate strictly on a “need to know” basis
- 9) Ask questions so that information is not unnecessarily disclosed. For example, instead of asking, “Did you see xxxx touch xxxx?” and ask have you seen anyone touch xxxx at work in a way that made her uncomfortable? Remember-the purpose of the investigation is to gather facts, not disseminate allegations.
- 10) If there is more than one allegation, treat each separately
- 11) To avoid defamation liability, never broadcast the facts of a given situation or the results as an example to others or as a training tool.

#### **Interviewing the complainant (can be done when employee first reports charge)**

- 1) Obtain specific details
- 2) Find out whether there was a pattern of previous episodes or similar behavior toward another employee
- 3) Get the specific context in which the conduct occurred. Where? What time?
- 4) Determine the time relationship between the occurrence of the conduct, its effect on the complainant, and the time when the complainant made the report
- 5) Prepare a detailed chronology
- 6) Analyze whether there might have been certain events that triggered the complaint, promotion, pay or transfer denial
- 7) Determine whether there were any possible motives on the part of the complainant
- 8) Find out about the complainant point of view.
- 9) Explain to the complainant that the charges are serious, that you will conduct a thorough investigation before reaching any conclusion, and that he or she will not be retaliated against for making the complaint.
- 10) Don’t make any statements about the accused employee’s character, job performance, or family life.

#### **Interviewing the accused**

- 1) Obtain a statement from the accused
- 2) Identify the relationship of the accused to the complainant
- 3) Was there any prior consensual relationship between the parties? How long have they known each other? Is there a history of group or individual socializing?
- 4) If the individual was a supervisor, indicate the individual’s job title, obtain copy of the individual’s job description, and determine the individual’s specific duties at the time of the alleged harassment.
- 5) Determine whether the accused directed or had responsibility for the work of other employees or the complainant, had authority to recommend employment decisions affecting others or was responsible for the maintenance or administration of the records of others.

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- 6) You can expect the accused to deny the charges. Observe the reaction. Note whether there is surprise, anger, or disbelief. Describe the details of the allegation and note the areas of disagreement between the testimonies of both parties. If the accused denies the allegations, probe further to determine with the accused of the background, reasons and motivation that could possibly trigger the complaint.

#### **Interviewing witness**

- 1) Obtain statements from any witnesses who support or deny any of the complainant's allegations. Be aware that witnesses are often reluctant to come forward out of fear of reprisal.
- 2) Assure all witnesses that their co-operation is important, that their testimony is confidential, and they will not be retaliated against for testifying

#### **Resolving the complaint**

- 1) Apologize for the incident occurring if that is appropriate
- 2) When attempting to remedy the conduct, avoid requiring the claimant to work less desirable hours or in a less desirable location. If you offer to transfer the complaint, try to get the complainant's written consent and make sure the transfer position is substantially similar to the complainant's prior position. This helps to ensure that the complainant is not being illegally punished for reporting discrimination or harassment
- 3) Provide remedial counseling and training on sexual harassment if appropriate. Also take the opportunity to re-communicate your policy
- 4) Carefully and fully document the investigation, recommendations made, and any remedial steps taken
- 5) Conduct follow-up interviews with the parties to inform them of the company's actions.

#### **Important:**

The Hotel has also formed an Internal Complaints Committee as per the provisions of Sexual Harassment of Women at Workplace Act 2013. We have named the ICC as NOW (Network of Women). This committee deals with all aspects pertaining to the safety, security and harassment of women at workplace.

The provisions of the above-mentioned Act shall supersede this policy shall there be any conflict between the provisions of the policy and the Act.

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**Annexure A**

Name of the NGO	–	Aarohan NGO
Tie up with the NGO since	–	2015 onwards
Name of the ICC member from the NGO	–	Ms. Rani Patel
Frequency of ICC Meetings	–	Quarterly

Name, designation and contact number of the Internal Complaints Committee Members –

<b>Members</b>	<b>Name</b>	<b>Designation</b>	<b>Contact Number</b>
Presiding Officer	Ms. Ritika Bawa	Director of Spa	9582266902
External Member	Ms. Rani Patel	President – Aarohan NGO	9910059312
Executive Member	Ms. Bhawna Mehra	Director - Revenue	9821912081
Member	Ms. Manju Verma	Spa Manager	9871191035
Member	Mr. Abhimanyu Pathak	Director of Security	9711378883
Member	Ms. Ruchi Sehgal	Hygiene Manager	9810957190
Member	Mr. Rohit Jain	Learning Manager	7840060116
Confidential Counselor & Convener	Ms. Samreet Kaur	Assistant Manager - HR	7042525004