



# *PREVENTION OF SEXUAL HARASSMENT POLICY*

Tata Investment Corporation Limited

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**Document Change Control**

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26-Mar-14	1.0	Manoj Kumar CV	Board of Directors	26-Mar-14	Approval of POSH Policy by Board of Directors
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## 1. Policy Statement and Purpose

The Tata Group strives to create and maintain a healthy, safe, and productive work environment, free from discrimination and harassment. As laid out in the Tata Code of Conduct (TCoC), employees of a Tata company shall be treated with dignity and in accordance with the Tata policy of maintaining a work environment free of all forms of harassment, whether physical, verbal, or psychological.

**Tata Investment Corporation Limited (TICL)** and **SIMTO Investment Company Limited (SIMTO)** (henceforth referred to as the Company) is therefore committed to creating a safe and conducive work environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The **Prevention of Sexual Harassment at Workplace Policy (POSH Policy or Policy)** has been drafted in accordance with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Law) as applicable in India.

While the extant of law is applicable to women employees only, as a healthy practice and as part of internal policies, the Company has extended the benefit of the Law to not only its women employees, but also to its other employees who may belong to any gender. Thus, this Policy shall be applicable to all complaints of sexual harassment made by anyone against an employee in the context of workplace.

This Policy aims to achieve the following objectives:

- a) To prohibit workplace sexual harassment in all forms.
- b) To provide procedures for lodging complaints and investigating sexual harassment claims.
- c) To carry out appropriate disciplinary measures in the case of violations.

## 2. Scope & Applicability

The Company aims to adopt a zero-tolerance attitude towards any kind of sexual harassment or discrimination caused by any employee, consultant, contractor, vendor, or any person formally associated with them towards any other person being an employee of the Company or that of its partner, client, vendor, or contractor in the premises of TICL and SIMTO or any other workplace of the Company.

This Policy will be reviewed and updated from time to time to ensure that it is current. All updates and revisions to the Policy will be approved by the Board of Directors (Board) of the Company or its delegated **POSH Committee** or the **Executive Director** and **Chief Financial Officer & Company Secretary** of the Company.

All such amendments to the Policy shall be recorded in in the “*Document Change Control*” section.

## 3. Definitions

### 3.1 Definitions

For the purpose of this Policy, unless otherwise stated, the following definitions and abbreviations shall be applicable.

Key Terms	Definitions
<b>Employee</b>	Means any person employed at the Company for any work on regular, temporary, or ad-hoc basis either directly or through an agent, on the rolls of the Company including those on deputation, contract, temporary, ad-hoc, probationer, trainee, apprentice, part-time or working as consultants, working on voluntary basis, whether the terms of employment are express or implied.
<b>Workplace</b>	Shall mean all places where any Company activity is carried out. It shall include:

Key Terms	Definitions
	<ul style="list-style-type: none"> <li>▪ All offices or other premises where Company business is conducted.</li> <li>▪ All Company related activities performed at any other site.</li> <li>▪ Any social, business, or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.</li> <li>▪ An alleged act of sexual harassment committed during or outside of office hours using any mode of communication including electronic communication.</li> <li>▪ Any sexual harassment on any social networking website during or outside of office hour.</li> <li>▪ Any place visited by employee or arising out of or during employment with Company, including transport services if provided by Company for undertaking such journey.</li> </ul>
<b>Aggrieved Person</b>	An individual, of any gender, of any age who is allegedly subjected, directly or in an implied manner, to the act of Sexual Harassment as defined within the Policy.
<b>Respondent</b>	An individual or a group of individuals against whom the sexual harassment complaint has been made under this Policy.
<b>Complainant</b>	Any Aggrieved Person or other person who makes a complaint alleging Sexual Harassment under this Policy and as per Law.
<b>Visitor or Third Party</b>	Includes any person or persons who is visiting the workplace and is not covered by any of the other categories defined by this Policy. For example, guests or candidates coming for interviews, meetings, events, programs, or people walking in for meeting existing employees, staff etc.
<b>Internal Committee</b>	The POSH Committee of the Company.
<b>Central Committee</b>	The POSH Committee of the Tata Group.

### 3.2 Definition of Sexual Harassment

Sexual Harassment is an unwelcome inappropriate behaviour (whether directly or by implication) which includes:

- a) Physical contact and advances including touching, deliberately brushing against another person, interference with an individual's normal work movement or assault.
- b) Demand or requests for sexual favours, offensive or unwelcome flirtations, unwanted sexual advances or propositions, threats or suggestive or insulting sounds.
- c) Making sexually coloured remarks including sexual tones including repeated sexual innuendoes, sexual epithets, derogatory slurs, sexually explicit jokes, letters, phone calls, text, e-mails, WhatsApp or through any other electronic communication etc.
- d) Showing pornography such as derogatory or sexually explicit posters, cartoons, photographs, magazines, drawings, or other printed items; suggestive objects, pictures; emails, screen savers; or other electronic communications; graphic commentaries and leering or obscene gestures.
- e) Any other unwelcome visual, verbal, or physical conduct of a sexual nature.

**Note:** These actions may manifest themselves in the form of varied behaviours, for example, gestures, actions, sounds, etc.

### 3.3 Circumstances for Sexual Harassment

The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment at the workplace:

- Implied /explicit promise of preferential treatment in employment; or
- Implied/ explicit threat of detrimental treatment in employment; or

- Implied/explicit threat about present or future employment status; or
- Interference with work or creating an intimidating/hostile environment; or
- Humiliating treatment, likely to affect health or safety.

Any or all the above behaviours that may be displayed at the workplace, will amount to Sexual Harassment, notwithstanding the following conditions:

- The Aggrieved Person as well as the Respondent may be of any gender, of any age;
- The Aggrieved Person and the Respondent may be of the same sex;
- The Aggrieved Person need not be economically impacted from the incident;
- The incident may occur at any other place where the Aggrieved Person is engaged in work related activities for TICL and/or SIMTO; and
- The incident may occur at any place where the Aggrieved Person interacts with another person with whom the Aggrieved Person has a workplace relationship.

**Note:** Sexual Harassment is not specific to any gender or from any specific gender – it could be Male to Female, Female to Male, Male to Male, or Female to Female or Male/Female to Transgender or any other person of sexual orientation or gender identity (LGBTQA+). Everyone must exercise their own good judgment to avoid engaging in conduct that may be perceived by others as Sexual Harassment. In all the above cases, it is not the intention of the person behaving but the impact on the person who is subjected to such behaviour that will matter.

## **4. POSH Governance**

### **4.1 Prevention of Sexual Harassment at Workplace Committee**

A POSH Committee to redress complaints on Sexual Harassment shall be formed by the Company. It is the responsibility of the POSH Committee to ensure safety of individuals associated with the Company and to ensure that all POSH related practices at the Company are compliant with the provisions of the Law and TCoC. Matters unresolved at the POSH Committee can be referred to the Central Committee (CC) of Tata Group.

### **4.2 Composition of the POSH Committee**

- a) POSH Committee shall comprise of at least 04 (Four) members including a senior Human Resources representative and the Company Secretary.
- b) The Committee shall be presided by a senior woman employee of the Company (Chairperson/Presiding Officer).
- c) The woman members shall account for at least 50% (Fifty) of the total members of the POSH Committee.
- d) At least 01 (One) woman member shall be a third-party representative from an NGO or any other agency familiar with the issues relating to Sexual Harassment.
- e) 01 (One) member shall be appointed as the single point of contact for all Complainants/Aggrieved Persons.
- f) Minimum 02 (Two) members will be appointed from amongst employees who are preferably committed to the cause of women safety or who have had experience in social work or have legal knowledge in this field. These members shall automatically vacate office upon ceasing to be an employee.

Both the POSH Committee of the Company and the Central Committee at Tata Group level shall handle complaints in a confidential manner and within a time-bound framework.

### **4.3 Removal of POSH Committee Members**

A member of the POSH Committee shall be removed/replaced if the member:

- a) breaches confidentiality;
- b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them;
- c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them;
- d) has abused their position as to render their continuance in office prejudicial to the public interest; and/or,
- e) any vacancy created in the POSH Committee due to cessation of employment, resignation, death, disability or removal, as applicable, shall be filled by a fresh nomination by the Company in accordance with its guidelines and in conjunction with provision of Law (where applicable).

#### **4.4 Powers and Duties of POSH Committee**

- a) The Committee is responsible for ensuring that the mechanism for registering complaints is safe, accessible and conducted with the due sensitivity necessitated by the situation.
- b) The members of the Committee shall be cognizant of the complaints about sexual harassment, conduct inquiries diligently, provide aid & redressal to Aggrieved Persons, recommend penalties and take necessary action against the Respondent.
- c) The Committee shall nominate members, recommend new policies and provide suggestions as applicable.
- d) Receive and address complaints of sexual harassment and inquire into complaints in detail.
- e) Assist Complainant in filing the complaint, in case the Complainant is unable to do so.
- f) Inquiry shall be a priority for the Committee members.
- g) Ensure quorum of minimum 02 (Three) members is met during all Inquiry meetings, with mandatory presence of the Chairperson/Presiding Officer at all inquiry meetings.
- h) Follow the principles of natural justice and treat the Complainant, Respondent, witnesses, and related persons to the inquiry with dignity and respect and give both the Complainant and the Respondent a fair opportunity to make their submissions. All members of the Committee shall be acting without any prejudice or bias while conducting inquiries or dealing with complaints of sexual harassment in any other manner.
- i) Make efforts to ensure that the Complainants and the witnesses are not further victimized or discriminated against while the complaint is pending.
- j) Recuse themselves from their assigned job for the purpose of conducting an Inquiry if there is conflict of interest or a bias coming in the way of conducting a fair Inquiry.
- k) Document in detail all the inquiry proceedings and the inquiry report.
- l) Refrain from talking about a potential, pending, or completed case of sexual harassment to any member directly or indirectly connected to any form of media, including print, Television, online media etc.
- m) Review the status of all complaints received.
- n) Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the appropriate committee shall initiate action in accordance with the law by making a complaint with the appropriate Government authority.
- o) Ensure that the Aggrieved Persons or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- p) Read and acquaint themselves with the Policy and attend trainings on this subject matter.
- q) In the event, the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, forward the same to the concerned person / committee.
- r) The Committee shall provide any MIS, as required, to the concerned Government department of the complaints and action taken by them, if any.

#### **4.5 Responsibilities of Employees**

- a) Everyone has a personal responsibility to ensure that their behaviour is not contrary to this Policy.
- b) Set an example of dignified workplace behaviour and ethical standards in line with Organization's values and code of conduct.
- c) Create and sustain a healthy work environment.
- d) Do not ignore or allow an inappropriate behaviour to continue regardless of who is creating that situation.
- e) Support and cooperate during any inquiry of a complaint, including testifying as witness and giving full and truthful disclosure of all factual information when enquired by the POSH Committee, while ensuring that complete confidentiality is maintained throughout, about any complaint of sexual harassment within the Company.
- f) Be aware that the Company will take allegations seriously and will ask their cooperation in an inquiry if they bring a complaint forward.
- g) Handle information related to known or suspected violations of this Policy in a discreet and confidential manner and not attempt to investigate / inquire into the information or suspected violations of this Policy on your own i.e., without involving the POSH Committee.
- h) Report any inappropriate behaviour to POSH Committee immediately.
- i) Do not misuse the Policy or the Law by filing malicious complaints for settling personal scores, seeking revenge or for personal gains and benefits etc.

#### **4.6 The Company's Responsibilities**

- a) The Company will not tolerate any act of sexual harassment. It shall treat sexual harassment as 'Misconduct' and take prompt, appropriate action for the same.
- b) It will organize gender-sensitization workshops and awareness programs at regular intervals.
- c) Shall raise awareness about the prevention of sexual harassment as deemed fit.
- d) It will ensure that necessary facilities and information are provided to the Committee for dealing with the complaint and conducting an inquiry.
- e) Assist in securing the attendance of Respondent and witnesses before the POSH Committee and make available such information to the Committee as it may require with regards to the complaint.
- f) Provide assistance to the POSH Committee in any manner feasible to conduct a fair and expeditious inquiry and implement recommendations made by Committee.
- g) Provide assistance to the Complainant if the Complainant chooses to file a complaint in relation to the offence under the Indian Penal Code. Cause to initiate action, under the Indian Penal Code, against Respondent or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of sexual harassment took place.
- h) Cause to initiate action, under the Indian Penal Code, against the Respondent, or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of sexual harassment took place.
- i) Do all other things it may deem fit for successful implementation of this Policy.

#### **4.7 Recourse at POSH Committee**

- a) The Aggrieved Person/Complainant should first approach the POSH Committee for complaints.
- b) The POSH Committee shall inquire about the matter in accordance with rule of natural justice and fair play.
- c) Complaints originating at Company offices are to be registered directly with the POSH Committee.



- d) The Central Committee shall hear appeals against orders passed by POSH Committee, if preferred by the Aggrieved Person/Complainant.
- e) All decisions, orders passed by Central Committee shall be final and binding on both parties.

## **5. Redressal Procedure**

### **5.1 Redressal Mechanism**

An Aggrieved Person/ Complainant may lodge the complaint to the appointed POSH Committee, in writing. If the Complainant is unable to make a complaint on account of their physical incapacity, a complaint may be filed, with the written consent of the Complainant by:

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

If the Complainant is unable to make a complaint on account of mental incapacity, a complaint may be filed by:

- a) their 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 the Complainant's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care they are receiving treatment or care.

If the Complainant 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. If the Complainant is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

If any Employee/Third Party is sexually harassed by any external party who is not an employee of the Company, either at the workplace or in that external party's premises, then POSH Committee shall contact either the POSH Committee or equivalent of that external party and/or the Police (as the case maybe), on the written complaint of such employee/Third Party to the POSH Committee of the Company and address the matter to satisfactory closure. Alternatively, employee/Third Party may choose to reach out directly to POSH Committee or equivalent of that external party and/or Police (as the case may be) and the Company will offer assistance on written request by employee/Third Party.

### **5.2 Complaint Filing Procedure**

The Complainant can make a complaint of Sexual Harassment to the POSH Committee. The following must be adhered to:

- a) The complaint must be in writing.
- b) The Complainant should provide (if possible) as many specific details as possible including incidents, dates and people that are involved in their complaint. Details with respect to the following may be provided while filing a complaint:
  - the alleged event, matter or issue that is subject to the complaint (time/date/place etc.)
  - the name and details of the Employee (Respondent) against whom the complaint is being filed
  - names and addresses of the witnesses (if any)
  - details of documentary evidence (if any) such as WhatsApp chat records, SMS, E-mails, CCTV Footage, Audio/Video recording etc. and
  - any additional information, documentation, or other evidence available to support the complaint (if any).

- c) Complaint must be made within a period of 03 (Three) months from the date of incident and in case of a series of incidents, within a period of 03 (Three) months from the date of last incident.
- d) The POSH Committee, at its discretion, can extend the time limit for receiving a complaint to another period of 03 (Three) months if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the first 03 (Three) months.
- e) POSH Committee will record the reasons for such extension of 03 (Three) months in writing.

### **5.3 Complaint Handling Procedure**

#### **5.3.1 Procedure for Conciliation**

Prior to initiating an inquiry, the POSH Committee may, at the written request of the Complainant take steps to settle the matter between the Complainant and the Respondent through conciliation. The following needs to be adhered to with respect to conciliation:

- a) Monetary settlement cannot be made the basis of such conciliation.
- b) In case a settlement has been arrived at, the POSH Committee shall record it and forward it to Executive Director and CFO&CS and Central Committee to initiate action as specified in the recommendation of the POSH Committee.
- c) The POSH Committee will also provide copies of the settlement as recorded to the Complainant and the Respondent.
- d) If conciliation has been reached, the POSH Committee will not be required to conduct any further inquiry.
- e) If Complainant feels that the terms of settlement are not being complied with by the Respondent or action has not been taken by the Company, Complainant can make a written complaint to the POSH Committee to conduct an inquiry into the complaint.

#### **5.3.2 Procedure for conducting Inquiry**

If the Complainant does not wish to go for conciliation or if the conciliation reached between the parties is not complied with by either Complainant or Respondent, the POSH Committee shall, upon a written request from the Complainant to do so, conduct an inquiry into the complaint. The following needs to be adhered to with respect to conducting inquiry:

- a) On receipt of the complaint, the POSH Committee shall send copy of the complaint received from the Complainant to the Respondent within a period of 07 (Seven) working days. If the complaint has been received on email, the POSH Committee Chairperson shall forward the same to the Respondent, with clear instructions that the same is not to be shared with anyone and strict confidentiality has to be maintained.
- b) The Respondent shall file the reply to the complaint along with list of documents and names and addresses of witnesses (if any), within a period of 10 (Ten) working days from the date of receipt of the documents.
- c) If the Complainant or the Respondent desires any witness/es to be called, they shall communicate in writing to POSH Committee the names of witness/es whom they propose to call.
- d) If the Complainant desires to tender any documents by way of evidence before Committee, they shall supply copies of such documents. Similarly, if Respondent desires to tender any documents in evidence before POSH Committee, they shall supply copies of such documents. Both shall affix their signature on the respective documents to certify these to be authentic documents.
- e) 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 necessary for the inquiry process. Refusal by any employee to attend any hearing before the POSH Committee when summoned or to provide to the POSH Committee, any documents and/or information within their power or possession shall constitute as misconduct, rendering such employee for adverse action by the Company.

- f) 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 03 (Three) consecutive hearings convened by the Chairperson/Presiding Officer. Such termination or ex-parte order may not be passed without giving a notice in writing, 15 (Fifteen) days in advance, to the Complainant or Respondent as the case maybe.
- g) In conducting the inquiry, at any point of time, the complaint shall be heard by a minimum of 03 (three) members including the Presiding Officer and the External Member and POSH Committee shall complete the inquiry within reasonable period but not beyond 90 (Ninety) days.
- h) POSH Committee shall notify in writing, the time and dates of its meetings to the Complainant, the Respondent and witnesses.
- i) All inquiry proceedings will be documented in detail and treated as strictly confidential with restricted viewing only on need-to-know basis.
- j) Inquiry proceedings shall be minute/recorded in writing. They may be audio recorded as well (where possible). The minutes/transcribed record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned and POSH Committee in token of authenticity thereof.
- k) All colleagues and witnesses who are part of the POSH Committee proceedings will need to sign a confidentiality declaration.
- l) The Complainant and 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.

POSH Committee shall adhere to the following while conducting inquiry:

- m) POSH Committee shall make an inquiry into the complaint in accordance with the principles of natural justice such that POSH Committee shall provide every reasonable and fair opportunity to the Complainant as well as to the Respondent, for putting forward and defending their respective side.
- n) POSH Committee shall be sensitive to the often covert, private, and insidious nature of sexual harassment and shall take into account that often the Complainant may not be able to submit or present direct or corroborative evidence.
- o) POSH Committee shall take note of the respective socio-economic positions of the parties, their hierarchy in the workplace, and other power differentials while giving recommendation.
- p) While inquiring into a complaint, POSH Committee shall take note that in cases of harassment via postings and messages through electronic and social media, the POSH Committee shall consider the public humiliation that this involves for the Complainant as well as the unwitting exposure of others who are using this media to circulate such messages and images.

### **5.3.3 Initiation of action during pendency of inquiry**

During the pendency of an inquiry, on a written request made by the Complainant, the POSH Committee may recommend any of the following to Company:

- a) In case Complainant and/or Respondent are employees, any one or more of the following may be recommended –
  - grant leave to the Complainant up to a period of 03 (Three) months (the leave granted shall be in addition to the leave the Complainant is otherwise entitled to); or
  - transfer the Complainant or Respondent to any other workplace; or
  - restrain the Respondent from reporting on the work performance of the Complainant or writing their confidential report and assign the same to another employee (if applicable); or
  - In case the complaint has been filed by an intern or an apprentice working under the Respondent, restrain the Respondent from supervising any official/academic activity of the Complainant and assign the same to another employee.

- b) In case Respondent is a Visitor/Third Party, any one or more of the following may be recommended –
- If the Respondent is a Visitor/Third Party, adequate steps to ensure that they do not enter the workplace or contact/threaten the Complainant and/or witnesses.
  - POSH Committee, with consent of Complainant, can report the Respondent to the Police, if required.

#### **5.3.4 Inquiry Report – inclusion of suggested actionable**

On completion of inquiry, the POSH Committee shall provide a written report of its findings and recommendations to the Company within 10 (Ten) days from date of completion of the inquiry. Such report shall also be made available to Complainant and Respondent.

The inquiry report shall specify details of the allegations against the Respondent, the statements made and evidence presented by the Complainant, Respondent and/or witnesses, POSH Committee's findings along with a statement giving reasons for recommendations and the findings arrived at by the Committee.

##### ***a) In case allegations against Respondent have not been proven –***

If the POSH Committee arrives at the conclusion that the allegations against the Respondent have not been proven with substantive evidence, it shall recommend to the Company that no action be initiated against the Respondent and close the matter.

##### ***b) In case allegations against Respondent have been proven –***

- 1) Where the POSH Committee determines that sexual harassment has taken place, to whatever extent, immediate corrective and preventive measures will be recommended. Severity of recommendation will be determined by the first time/misunderstanding/habitual offender etc. Where Respondent is an employee, POSH Committee may recommend any one or more of the following:
  - A written apology from the Respondent;
  - A letter of warning may be given to the Respondent that will be placed in the personnel file;
  - Reprimand or censure the Respondent;
  - Withholding the promotion or reduction in rank;
  - Withholding of pay rise or increments;
  - Immediate transfer or suspension without pay;
  - Termination from service/dismissal from the services of the Company;
  - Undergoing a counselling session;
  - Carrying out community service;
  - deduction from salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to their legal heirs. In case, the Company is unable to make deductions from salary of the Respondent due to them 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, the POSH Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

POSH Committee may consider various factors as required under Law for the purpose of determining the sums to be paid to the Complainant and may take the following into consideration:

- the mental trauma, pain, suffering, and emotional distress caused to the Complainant;
  - 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 instalments.
- 2) Where the Respondent is a Third Party, POSH Committee may recommend any one or more of the following:
    - Warning to employing organization/association/firm (if any);

- Declaring the workplace/organization out of bounds to the Respondent;
- Withdrawal of the right to provide services to organization for a certain period (if applicable);
- Helping the Complainant to file FIR, should they desire;
- Debarring/blacklisting such person from the Company;
- Other similar or appropriate punishment.

The Company shall act upon the recommendation given by POSH Committee within 60 (Sixty) days of receipt of the recommendation.

### **5.3.5 Malicious Complaints**

- a) If on inquiry, it is revealed that the complaint was made with a **malicious intent** and **with the motive of maligning** the Respondent/tarnishing their image or otherwise and/or to settle personal/professional scores, strict action will be recommended by POSH Committee against the Complainant. Hence, in case POSH Committee arrives at a conclusion that allegation against the Respondent is malicious or Complainant has made the complaint knowing it to be false or has produced a forged or misleading document, POSH Committee may recommend to the Company to take an action against the Complainant as specified above and as applicable.
- b) A mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant as the malicious intent on the part of the Complainant will have to be established through the inquiry process before an action against such Complainant is recommended.

### **5.3.6 Appels Filing Procedures**

In the event that any person is aggrieved from the recommendations made by the POSH Committee or non-implementation of such recommendations, they may appeal to the appropriate authority, as specified by Law, within a period of 90 (Ninety) days of the recommendations.

## **6. Other Policy Considerations**

### **6.1 Confidentiality**

All discussions/decisions pertaining to an incident of Sexual Harassment must be kept confidential. Therefore, contents of the complaint made, the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, inquiry report including recommendations of the POSH Committee and action taken on the Respondent shall not be published, communicated or made known to the public, press and media in any manner. However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses. Appropriate information will be shared with Government authorities as per Law.

If any person (including Complainant, witnesses) breaches confidentiality, the Company shall recover a sum of Rs 5,000.00 (INR Five Thousand only) as penalty from such person and may take any other action as it may deem fit.

### **6.2 Protection against Retaliation**

There will be no retaliation against anyone who, in good faith, files a complaint or participates in any way in the inquiry of a complaint. The Company will not allow retaliation against that person. Individuals engaging in retaliatory conduct will be subject to strict disciplinary action and if necessary legal action and/or a Police complaint. If an employee suspects that someone he/she knows has been retaliated against for raising an issue, they are encouraged to immediately contact the POSH Committee.

### **6.3 Filing of Complaint with Police**

Nothing in these rules and procedures shall preclude anybody from simultaneously lodging a complaint with the police in respect of any act amounting to an offence under the law. If any assistance is sought, the Company will provide such assistance in this regard.

In case of a complaint of Sexual Harassment or any other offense against a child, as per the Protection of Children from Sexual Offences Act, 2012 (POCSO), or in case of offense by a child, the provisions under POCSO and Juvenile Justice (Care and Protection of Children) Act, 2015 may become applicable and would have to be dealt with in accordance with these laws. A child is any person below the age of 18 (Eighteen) years.

### **6.4 Awareness and Sensitization**

- a) POSH Committee and the Human Resources Department shall be responsible to create and maintain a safe environment that is free of Sexual Harassment by promoting a culture of equality and gender justice.
- b) Workshops and awareness programmes shall be organized at regular intervals for sensitizing employees with the provisions of this Policy.
- c) Names and phone numbers of members of POSH Committee should be published and made easily available to the employees.

### **6.5 Review and Audit**

- a) The entire redressal process along with its documentation shall be subject to periodic review.
- b) It is mandatory to maintain records of the complaints received along with the details of the proceedings at the time of inquiry.
- c) The Company shall periodically monitor timely submission of reports to relevant Government Authorities, as applicable.
- d) The Company reserves the right to amend this Policy in order to comply with any laws/rules/ regulations that come into effect from time to time, related to sexual harassment at workplace.
- e) This Policy shall be reviewed on a biennial basis or as and when key issues get raised to incorporate amendments.

## **7. POSH Committee Members**

Members of the POSH Committee of the Company is as follows:

<b>Name</b>	<b>Role</b>
Ms. Varsha Pawar	Presiding Officer
Mr. Manoj Kumar CV	Member
Mr. Shatayu Mehta	Member
Ms. Ruksana Savaksha	External Member

If the Complainant needs assistance in writing the complaint, they can seek help from POSH Committee. The complaint can be submitted to the POSH Committee electronically or physically.

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