



PREVENTION OF SEXUAL HARASSMENT (POSH)

The Policy

Introduction

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder (hereinafter "the Act"). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. Prime as a Group believes in equal employment opportunity. We do not tolerate verbal or physical conduct creating an intimidating, offensive, or hostile environment for employees. Harassment of any kind including sexual harassment is forbidden in the Company and every employee has the right to be protected against it. We recruit competent and motivated people who respect our values, and provide equal opportunities for their development and advancement. The "Policy on Prevention of Sexual Harassment of Women at Workplace: Guidelines for Prime Group" intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

Definitions

1. **Sexual Harassment:** Sexual harassment may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee of this company and someone that employee deals with in the course of his/her work who is not employed by the Company.

"Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

A) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

1. Physical contact and advances;
2. Demand or request for sexual favors;
3. Sexually colored remarks or comments of a sexual nature about a person's clothing or body;
4. Showing pornography, or making or posting sexual pranks, teasing, jokes, or sexually demeaning or offensive pictures, cartoons, or other materials through email, SMS, MMS, etc.;
5. Repeatedly asking to socialize during off-duty hours or continuing to express sexual interest against a person's wishes;
6. Giving gifts or leaving objects that are sexually suggestive;
7. Eve-teasing, innuendos, taunts, physical confinement against one's will, or any act likely to intrude upon one's privacy;
8. Persistent watching, following, or contacting a person; and
9. Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.

B) The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:

1. Implied or explicit promise of preferential treatment in employment;
2. Implied or explicit threat of detrimental treatment in employment;
3. Implied or explicit threat regarding present or future employment status;



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4. Interference with the person's work or creating an intimidating, offensive, or hostile work environment; or
5. Humiliating treatment likely to affect her health or safety.

The **reasonable person standard** is used to determine whether the conduct was offensive, based on what a reasonable person would have perceived or done. It is important to note that whether harassment has occurred depends not on the intention of the person engaging in the conduct but on the experience of the aggrieved woman.

2. Aggrieved Woman: In relation to a workplace, an aggrieved woman is defined as a woman of any age, whether employed or not, who alleges being subjected to any act of sexual harassment by the respondent. This includes contractual and temporary workers, visitors, etc.

3. Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman.

4. Employee: A person employed at the workplace for any work on a regular, temporary, ad-hoc, or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise. This includes co-workers, contract workers, probationers, trainees, apprentices, or persons referred to by any other such designation.

5. Workplace: In addition to the primary place of work (e.g., head office, branch offices, factories), a workplace also includes any location where the aggrieved woman or the respondent visits in connection with their work during the course of, or arising out of, employment, contract, or engagement with the company. This definition includes transportation provided for such purposes.

6. Employer: A person responsible for the management, supervision, and control of the workplace.

Roles & Responsibilities

1. Responsibilities of Individual: It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

1. Refusing to participate in any activity which constitutes harassment;
2. Supporting the person to reject unwelcome behaviour;
3. Acting as a witness if the person being harassed decides to lodge a complaint.

All are encouraged to advise others of behaviour that is unwelcome. Often, some behaviours are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.

2. Responsibilities of Managers: All managers in this company must ensure that nobody is subjected to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

Redressal Mechanism - Formal Intervention

In compliance with the Act, if the complaint warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

Internal Complaints Committee (Henceforth known as "committee")



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To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" has been constituted. The details of the committee is notified to all covered persons at the workplace.

The committee at each location comprises of:

1. Presiding Officer: A woman employed at a senior level in the organization or workplace;
2. At least 2 members from amongst employees, committed to the cause of women; iii. One external member, familiar with the issues relating to sexual harassment, and/or having legal knowledge;

It must be noted that at least one half of the total members of the Internal Complaints Committee are/must comprise of women.

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace;
- Initiating and conducting inquiry as per the established procedure;
- Submitting findings and recommendations of inquiries;
- Coordinating with the employer in implementing appropriate action;
- Maintaining strict confidentiality throughout the process as per established guidelines;
- Submitting annual reports in the prescribed format.

The current nominated members of the committees are given in Annexure A attached at the end of this Policy.

Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend;
- Co-worker;
- Any person having the knowledge of the incident.

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible our company ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

Receiving a Complaint (guidelines)

Dealing with incidents of harassment is not like any other type of dispute.

Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:



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- Complaint is listened to and the complainant informed that the Company takes the concerns seriously. That the Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situations are not to be pre-judged. Written notes are taken while listening to the person. The Complainant should be allowed to bring another person to the meeting if they wish. When taking accurate notes, the Complainant's own words, wherever possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the Complainant.
- All notes are to be kept strictly confidential. The Complainant's agreement must be obtained before proceeding with a matter which involves a formal investigation.
- The Complainant is advised that although the process is confidential, the Respondent needs to be informed, and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

Care must be taken to prevent any disadvantage to, or victimization of either the Complainant or the Respondent.

Resolution procedure through Conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This option must be opted for only if requested by the aggrieved woman.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of the complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

Resolution procedure through Formal Inquiry

Conducting Inquiry : The committee initiates inquiry in the following cases:

- If no conciliation is requested by aggrieved woman;
- Conciliation has not resulted in any settlement;
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.
- The Committee proceeds to make an inquiry into the complaint within a period of 1 week of the receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses.
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer must be present.

Interim relief: During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to â

- Transfer the complainant or the respondent to any other workplace;



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- Grant leave to the aggrieved woman for a maximum period of 3 months, in addition to the leave she would be otherwise entitled to;
- Prevent the respondent from assessing the complainant's work performance; - Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the employer must inform the committee regarding the same.

Termination of Inquiry: The Internal Complaints Committee may terminate the inquiry or give an ex-parte decision, if the complainant or the respondent respectively is absent for 3 consecutive hearings, without reason. A 15 days prior written notice is to be given to the parties, before termination of the inquiry or pronouncement of an ex-parte order.

Inquiry procedure: All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. The Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence, etc. Detailed notes of the meetings are prepared which may be shared with the respondent and the complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or the respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case the complainant or the respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

Considerations while preparing inquiry report: While preparing the report of the findings/recommendations, the following points are to be considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature;
- Whether the allegations or events follow logically and reasonably from the evidence;
- Credibility of the complainant, respondent, witnesses and evidences;
- Other similar facts, evidences, for e.g. if there have been any previous accounts of harassment pertaining to the respondent;
- Both parties have been given an opportunity of being heard;
- A copy of the proceedings has been made available to both the parties enabling them to make representations against the findings.
- A copy of the final findings must be shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

Action to be taken after inquiry: Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

The findings and recommendations are reached from the facts established, and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, the Management of this company may decide to take interim measures such as transfer, changing of shift, grant of leave etc., to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.



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Complaint unsubstantiated: Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, and that the matter is now concluded and neither will be disadvantaged within the company.

Complaint substantiated: Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- Counselling;
- Censure or reprimand;
- Apology to be tendered by the respondent;
- Written warning;
- Withholding promotion and/or increments;
- Suspension;
- Termination;
- Or any other action that the Management may deem fit.

The Management of this company will then act upon the recommendations provided within 60 days, and confirm the same to the committee.

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and that no victimization of either of the parties is occurring. This follow up is undertaken by the complainant's Reporting Manager supported by the company's HR.

Malicious Allegations: Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint. The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Confidentiality: The identity of the complainant, respondent, witnesses, statements and other evidences obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

Appeal: Any party not satisfied or further aggrieved by the implementation or no implementation of recommendations made may appeal to the appellate authority in accordance with the Act and Rules, within 90 days of the recommendations being communicated.



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Annexure A

Internal Complaints Committee at Prime Group

- Presiding Officer: Shilpa Bapat - 9821684766 (shilpa@primesec.com)
- Internal IC Members
 - Ganesh Agarwal - 9820642618 (ganesh@primesec.com)
 - Ajay Shah - 9820488026 (ajay@primesec.com)
- External IC Members
 - Mr Saswat Mohanty (BBA/LLB) - 9819051503 (saswatmohanty2000@gmail.com)

*Each location/unit of Prime Group has a duly constituted Internal Committee (IC), details of which can be obtained by any person by writing to any of the above mentioned IC members.