



Archbridge
CAPITAL

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) OF WOMEN AT WORKPLACE

ARCHBRIDGE CAPITAL PRIVATE LIMITED

Version Control

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Introduction

ARCHBRIDGE CAPITAL PRIVATE LTD., herein referred to as ACPL believes in the right to equality and personal dignity of all individuals and for this reason promotes an equal and healthy workplace for all its Employees. Consistent with this belief, ACPL considers it important to ensure an organization free from discrimination and harassment with particular focus on Sexual Harassment. 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.

The Policy on Prevention of Sexual Harassment at Workplace reflects ACPLs commitment to ensure that Sexual Harassment of Employees which (if any) may happen at the workplace or in other settings in which Employees may find themselves in connection with their employment is unlawful and will not be tolerated. The ‘Policy on Prevention of Sexual Harassment of women at workplace guidelines for ARCHBRIDGE CAPITAL PRIVATE LTD.’ 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.

Objective and Scope of Policy:

1.1 The policy has been formulated keeping in view the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the “Act”) and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the “Rules”). Accordingly, while the policy covers all 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.

1.2 The purpose of this policy is to provide protection of women employees against sexual harassment at workplace, to create healthy work environment at the workplace, deter any sexual harassment and redressal of complaints of sexual harassment and matters related to it.

1.3 ACPL shall take the complaints if any received in terms of this policy with utmost seriousness. ACPL shall respond promptly and where it is found that an inappropriate conduct has occurred, a strict corrective action will be taken in accordance to the Act.

1.4 This policy is a Pan India policy and applies to all Employees of ACPL and its group companies in all offices nationwide including full-time Employees, part-time employees and any other person(s), acting pursuant to a contractual relationship with ACPL. In addition, this policy shall extend to third-party harassment of ACPL Employees, in both on and off-site locations whether involved in employment or other activities on behalf of ACPL.

This policy does not prevent any aggrieved person from taking recourse to the law of the land.

Definitions

1. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between ACPL employee and someone with whom the employee deals with in the course of his/her work and may or may not be employed by the Company. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (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:

- i. Physical contact and advances;
- ii. Verbal conduct of sexual nature;
- iii. Demand or request for sexual favors;
- iv. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
- v. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
- vi. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- vii. Giving gifts or leaving objects that are sexually suggestive;
- viii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- ix. Circulation or posting of offensive pictures, display of sexual visuals, audios;
- x. Persistent watching, following, contacting of a person; and
- xi. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

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

- i. Implied or explicit promise of preferential treatment in employment;
- ii. Implied or explicit threat of detrimental treatment in employment;
- iii. Implied or explicit threat about the present or future employment status;
- iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- v. Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

2. **"Aggrieved woman"** in relation to a workplace means a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.

3. **"Respondent"** means a person against whom a complaint of sexual harassment has been made by the aggrieved woman.

4. **“Employee”** means a person employed at the workplace, for any work on 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, whether the terms of employment are express or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
5. **“Workplace”** in addition to the place of work [Head office / Regional / Branch offices] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with ACPL, including transportation provided for undertaking such a journey.
6. **“Employer”** means A person responsible for management, supervision and control of the workplace.

Roles & Responsibilities

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

- a) Refusing to participate in any activity which constitutes harassment.
- b) Supporting the person to reject unwelcome behavior.
- c) Acting as a witness if the person being harassed decides to lodge a complaint.

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors 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 behavior.

2. **Responsibilities of Managers:** All managers at ACPL must ensure that nobody is subject 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.

3. **Responsibilities of ACPL:** The Company is committed to:

- a) Treat Sexual Harassment as misconduct under the service rules and initiate necessary action for misconduct.
- b) Communicate to all employees the names and contact details of the members of the Committee and any change in constitution thereof
- c) Organize training, workshops and awareness programs for the Employees in connection with implementation of this policy
- d) Provide necessary assistance and infrastructure to the Committee for the purpose of dealing with the matter, which are brought to its attention in terms of this policy
- e) Initiate necessary actions with appropriate enforcement bodies/authority wherever needed
- f) Ensure that there is no victimization of complainant
- g) Keep the details of the complainant and/or victim to the extent possible unless disclosure is warranted to secure necessary actions in terms of this policy

Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant's 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 receiver of the complaint shall record the complaint in writing and obtain the complainant's signature. If the complainant is unable to make a complaint due to physical or mental incapacity, death, or any other reason, the complaint may be submitted by his or her legal heir to Internal Complaints Committee (Henceforth known as 'Committee')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an **"Internal Complaints Committee"** is constituted. The detail of the committee is notified to all employees periodically.

The committee at each location comprises of:

- a) **Presiding Officer:** A woman employed at a senior level in the organization or workplace. The terms of Presiding Officer shall be maximum 3 years and shall be eligible for re-appointment for further stints of 3 years.
- b) At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge.
- c) One external member, familiar with the issues relating to sexual harassment.
- d) At least one half of the total members is women
- e) The quorum of the meeting shall be minimum 3 members with majority being women.

The **committee** is responsible for:

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

Currently nominated members of the committees are given in **Annexure A**.

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**.

- a) Legal heir, relative or friend
- b) Co-worker
- c) 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 ACPL 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

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 to be kept in mind by the receiver of the complaint:

- a) Complaints are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- b) Situations are not being pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainant's own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- c) All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the 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. Due care is to be taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

For the purpose of raising complaint under this policy, the aggrieved can email at: posh@archbridgecapital.in

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 is 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 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:

- a) No conciliation is requested by aggrieved woman
- b) Conciliation has not resulted in any settlement
- c) Complainant informs the committee that any term or condition of the settlements 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 its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint:

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

Interim relief

During the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:-

- a) Transfer the complainant or the respondent to any other workplace
- b) Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- c) Prevent the respondent from assessing complainant's work performance
- d) Grant such other relief as may be appropriate

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

Termination of Inquiry

Committee at ACPL may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15-day written notice to be given to the party, before termination or ex-parte order.

Inquiry procedure:

All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. 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 complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

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

In case complainant or 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 findings/recommendations, following are considered:

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

A copy of the final findings is 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 at ACPL India Limited 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.

Complaint unsubstantiated

When 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, 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:

- a) Counseling
- b) Censure or reprimand
- c) Apology to be tendered by respondent
- d) Written warning
- e) Withholding promotion and/or increments
- f) Suspension
- g) Termination
- h) Or any other action that the Management may deem fit.

The employer acts upon the recommendations within **60 days** and confirms 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 if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by 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 act 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 evidence 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 that is not satisfied or further aggrieved by the implementation or non-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.

Review of this Policy

This policy shall be reviewed at such intervals as deemed necessary subject to a mandatory review annually. Further, consequent to any changes in law/regulatory environment affecting this policy, such changes shall be deemed to be part of this Policy until this policy is modified and approved by appropriate authority.

Annexure A

INTERNAL COMPLAINTS COMMITTEE AT THE HEAD OFFICE OF ARCHBRIDGE CAPITAL PVT LTD.

S. No.	Name	Designation
1.	Mrs. Poorva Garg	Presiding Officer
2.	Mrs. Madhavi Singh	Member
3.	Mr. Ashish Tewari	Member
4.	Ms. Soumya Tewari	Member
5.	Mr. Lalit Kishore Mishra	Member
6.	Mrs. Payal Mittal Tewari	External Member

Managing Director of the Company is authorized to make any amendment in respect of above officers from time to time.