

This document intends to prevent/prohibit, redress any incident of sexual harassment and to enforce strong disciplinary action in face of any such occurrence.

## Policy on Prevention and Redressal of Sexual Harassment

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Version No.: 5.0

Approved By: Board of Directors

Policy Owner : Human Resource Department

## **PREAMBLE**

The Parliament of India passed the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,” in the year 2013.

The guidelines explicitly state the following:

“It shall be the duty of the employer or other responsible persons in workplaces to prevent or deter the acts of sexual harassment and provide the procedures for the resolutions, settlement, or prosecution of acts, of sexual harassment by taking all steps require.”

All Organizations having 10 or more employees are bound by the Supreme Court’s directive and the POSH Act, 2013. Poonawalla Housing Finance Limited (Formerly, Magma Housing Finance Limited) (PHFL) is, also, committed to create and maintain work environment which is free of all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender.

## **OBJECTIVE**

PHFL is committed to create a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. PHFL is dedicated to maintaining an environment which is free from coercion and intimidation.

PHFL has adopted certain procedures and guidelines to govern cases against sexual harassment. The procedure has been provided below in PHFL’s policy against sexual harassment (“Policy”).

All allegations of sexual harassment shall be taken seriously by PHFL and shall be governed by this Policy.

This Policy extends to all employees of PHFL and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

PHFL is implementing a Gender-Neutral policy.

## **DEFINITION**

Any behaviour (physical, verbal, written, graphic, electronic, emotional, psychological or through gestures that offend) which has been defined as inappropriate by the Policy, whether intentional or not, which offends the dignity of the person towards whom the behaviour is directed by fellow employee(s), supervisor(s), customer(s) or supplier(s) will be considered as sexual harassment and shall invite serious

disciplinary action.

Sexual harassment would mean and include (whether direct or by implication) but not limited to any of the following:

- i. unwelcome sexual advances, requests or demands for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any PHFL activity;
- ii. advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, indecent exposure, physical contact, sounds, display of pictures, intrusive questions about a person's private life or body, signs, insults or taunts based on sex, obscene communication, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
- iii. Eve teasing, innuendos and taunts, unwelcome invitations to go out, suggestive comments or jokes, physical confinement against one's will and likely to intrude upon one's privacy;
- iv. act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex, or interfering with their work;
- v. humiliating treatment likely to affect the health or safety of a person belonging to the other sex
- vi. conduct of such an act at work place or outside in relation to an employee of PHFL during the course of employment;
- vii. any unwelcome gesture by an employee having sexual overtones;
- viii. physical contact and advances;
- ix. a demand or request for sexual favours;
- x. Staring, leering or unwelcome touching;
- xi. Suggestive comments or jokes;
- xii. sexually coloured remarks;
- xiii. showing pornography;
- xiv. any unwelcome sexual activity tied to employment decision or benefits;

- xv. any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- xvi. implied or explicit threat of detrimental treatment in their employment arising due to sexual harassment.

Sexual harassment may occur as a single incident or a series of incidents. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment may 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 work or creating an intimidating or offensive or hostile work environment
- v. Humiliating treatment likely to affect the health or safety of the employee

Workplace includes:

- i. All offices, branches or other premises where the Company's business is conducted
- ii. All company-related activities performed at any othersite away from the Company's premises
- iii. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations
- iv. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

Aggrieved Person in relation to a Workplace, a person, of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

Respondent means a person against whom a complaint of sexual harassment has been made by the Aggrieved Person under this policy.

## **APPLICABILITY**

All employees of PHFL (including employees on contract, on 3rd (third) party rolls)

- All customers, suppliers and contractors of PHFL.

- All third parties associated with PHFL at work or involved in work related activities.
- The complainant as well as the respondent may be a man or a woman.
- The complainant needn't be of the opposite sex.
- The respondent can be anyone, including the complainant's supervisor/ an agent/contractor/customer/client /3rd (third) party associated with PHFL / or any other employee of PHFL.
- The complainant does not have to be the person harassed but could be anyone affected by the offensive conduct.
- It may occur without economic injury to the complainant.
- It may occur at the workplace or any other place where the employee is engaged in work related activities.
- It may occur with PHFL employees deputed to client sites.

#### **APEX IC FORMATION**

Complaints of sexual harassment shall be dealt with by the Apex Internal Committee ("IC"). IC means an Internal Complaints Committee constituted in accordance with this Policy.

1. Annexure 1 of the Policy provides for constituent members of the IC.
2. The IC should comprise of the following members to be nominated by PHFL (and not less than half of its members should be women):
  - a) Presiding Officer (compulsorily woman employed at a senior level).
  - b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
  - c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
3. The Presiding Officer and every Member of the IC shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
4. The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the IC, by the employer, as may be prescribed.
5. Where the Presiding Officer or any Member of the IC, —
  - a) contravenes the provisions of Section 16; or
  - 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 him; or
  - c) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is

- pending against him; or
- d) has so abused his position as to render his continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section

### **NODAL IC FORMATION**

1. Four nodal ICs shall be formed for the four zones respectively (and not less than half of its members should be women) and each nodal IC shall comprise of:-
  - Members of IC; and
  - One Senior Official/Zonal Head of respective zone, as per Annexure 2
2. Presiding Officer of such nodal ICs shall be the presiding officer of IC.

### **REDRESSAL PROCEDURE AND MECHANISM**

Complainant may submit a complaint in writing and inform any IC member.

Complaints must be made by the complainant to any of the IC Member within 3 (three) months from the date of the incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the IC or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance for making the complaint in writing:

Provided further that the IC or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Aggrieved Person from filing a complaint within the said period.

The IC, if find reasonable may further extend the time period for making a complaint to a further period of 3 (three) months;

Complaints can be made in person via phone/email/letter to the Presiding Officer or any of the committee members. Any oral communication should be followed up with a written communication.

Where the Aggrieved Person is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, their legal heir may make a complaint in writing to the IC.

The onus of lodging the complaint rests with the person aggrieved and such complaint shall be in writing to the IC at the earliest point of time.

If the employee is working outside the office of PHFL, i.e. in client place or extended workplace, one may also lodge a complaint with the IC members.

In case it is found that any employee has lodged a false complaint, after the enquiry, the IC can take action against such person.

Every employee who threatens or intimidates any person who has made a complaint under this policy or any witness thereof shall be liable for disciplinary actions as per the rules of PHFL.

In case of a complaint against any Member of the IC, the complaint can be made to the Chief Human Resource Officer

### **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 IC members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident.

The IC 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 IC shall render all reasonable assistance for making the complaint in writing.

### **CONCILIATION AND INFORMAL COMPLAINT REDRESSAL PROCEDURE**

- The IC shall meet within 3 (three) working days of filing of the complaint, to examine the complaint made.
- At the start of initiating the inquiry, and at the request of the complainant, IC shall settle the matter between the complainant and the respondent/accused through conciliation.
- In case, the IC, after making sure that the aggrieved person is not open to conciliation on account of any force / threat / promise, will take steps towards settling the matter between the Aggrieved Person and the Respondent. This will be done through the process of separate and / or joint meetings. During the process of conciliation, the IC will endeavour to resolve the matter and reach amicable resolution.

- The mutual discussion will be considered based on the gravity of misconduct as construed by the aggrieved person and their consent to the adopt conciliation process.
- Such conciliation should in no case include any monetary settlement.
- The IC will record the terms of settlement acceptable to the Aggrieved Person and the Respondent and file a closure report with the Organisation to take further action as recorded in the settlement. Copies of the settlement shall be provided to the Aggrieved Person and the Respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The Aggrieved Person will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to the IC.
- The Chief Human Resource Officer shall implement such recommendations and send a report of such recommendation within 15 (fifteen) days to the IC.
- Copies of such settlements shall be provided to the complainant and the respondent.
- On conciliatory settlement being attained, no further inquiry shall be conducted by the IC.
- If any of the terms mentioned in the settlement are not complied with by the Respondent, the IC shall proceed to impose such disciplinary action as it deems fit.

#### **RELIEF TO COMPLAINANT DURING PENDENCY OF INQUIRY**

During the pendency of inquiry of the complainant, and upon request being made by the complainant, the IC to proceed with any of the following:

- Give complainant work from home upto 3 months.
- Transfer the complainant or the respondent to any other workplace.
- Restraining respondent from reporting on the work performance of the complainant.
- Restrain the respondent from supervising any academic activity or evaluation of the complainant.
- The Chief Human Resource Officer shall decide upon the same within 7 (seven) days of recommendation being received from the IC.

#### **FORMAL COMPLAINT REDRESSAL PROCEDURE AND MANNER OF INQUIRY**

- Where a complaint is received by the IC and the complainant opts for a formal recourse, the IC members shall within 3 (three) working days of receiving the complaint, interview both the parties and record findings of the incident (in case no settlement has been reached between the complainant and the respondent).
- While conducting the inquiry, a minimum of 4 (four) members of the IC including the Chairperson and External member shall be present and majority of the members shall comprise of women members.



- IC members shall discuss the complaint and the report shall be submitted to the Chairperson for her to scrutinize the findings in support of complainant's contentions.
- The IC shall give an opportunity of being heard and of making representations before the IC to the respondent.
- Copy of findings shall be made available to both the employees (complainant and respondent), enabling them to make representations against the findings.
- The IC shall make inquiry into the complaint in accordance with principles of natural justice.
- IC to document all investigations and findings in writing.
- The IC shall have the same powers as that of a Civil Court as per the provisions of the Civil Procedure Code, 1908, including the following:
  - a. Summon and enforce the attendance of any person and examining him/her on oath;
  - b. Require discovery and production of documents; and
  - c. Any other matter which may be prescribed.
- At the time of filing the complaint, the complainant shall submit 6 (six) copies of complaints along with supporting documents and addresses of witnesses.
- IC shall send a copy of the complaint received from aggrieved to the respondent within 7 (seven) days of receiving such complaint.
- The respondent shall file a reply to the complaint and supporting documents within 10 (ten) days of receiving the documents.
- The IC may terminate the inquiry proceedings, if the complainant or the respondent fails to present herself/himself before the chairperson of the IC for 3 (three) consecutive hearings. Provided, a 15 (fifteen) days' notice shall be given for such termination/cancellation. In case no settlement is arrived at, the IC may summon and enforce the attendance of any person and examining him/ her and require discovery and production of documents.
- The IC shall give an opportunity to complainant and respondent of being heard and make representations before the IC.
- IC shall prepare its report and submit it to the Chief Human Resource Officer within 90 days.

## **INQUIRY REPORT**

- The IC shall provide a report of its findings to the Organization within 10 (ten) days from the date of completion of the inquiry.
- Where the IC finds that no action is required to be taken, then it shall communicate the same to the Organization
- Where the IC concludes that the allegation made by the complainant is true, it shall recommend to the Organization
  - i. To take action for sexual harassment as per the service rules; or

- ii. To deduct from the salary of the employee as it may consider appropriate to be paid to the aggrieved; or
- iii. Organization shall act within 60 (sixty) days of receipt of recommendations from the IC.

## **DISCIPLINARY ACTIONS AND COMPENSATION**

Where the IC arrives at the conclusion that the allegations against the respondent has not been proved it shall recommend to the Organization that no action is required to be taken against the respondent.

The nature and severity of the action against the accused will be in direct proportion to the seriousness of the offence. The IC, in case if it finds the allegations against the respondent to be true, shall recommend to the Organization to take action against the respondent for the misconduct as it deems fit.

To deduct from the salary/ wages of the respondent such compensation as determined by it to be paid to the female member/ complainant or her legal heir or direct the respondent to pay the amount.

The compensation shall be determined by the IC keeping in mind the following:

1. Mental trauma, pain, suffering and emotional distress caused aggrieved caused to the aggrieved employee;
2. Loss to career opportunity due to the incident of sexual harassment;
3. Medical expenses incurred by the female member for physical or psychiatric treatment
4. Income and financial status of the respondent
5. Feasibility of such payment in lump sum or in instalments

Such disciplinary action shall include, but not be limited to the following:

1. A letter of warning that will be placed in the personal file;
2. Written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increments, undergoing counselling sessions, carrying out community services;
3. Immediate transfer/ suspension with or without pay;
4. Dismissal/ termination from the services of PHFL (wherein the respondent shall not be paid any compensation for the notice period); or
5. Any other action that the Organization may deem fit.

The organization shall act upon the recommendations made by the IC within 60 (sixty) days of receipt.

In case the organization is unable to make such deduction from the respondent's salary / wages due to his being absent from duty or cessation of employment it may direct the respondent to pay such compensation

to the female member.

In case the respondent fails to make the payment as directed by the organization then the IC may forward the order for recovery of sum as an arrear of land revenue to the concerned district officer.

For complaints, which the IC considers to fall outside its jurisdiction, for e.g. offences of a criminal nature, the applicable laws of India shall apply.

### **MALICIOUS ALLEGATIONS**

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved 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 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.

### **APPEAL**

Any party 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

### **TERMINATION OF INQUIRY**

IC may terminate the inquiry or give an ex-parte decision, if the committee don't find any merit in complaint or if the 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.

### **CONFIDENTIALITY**

Individuals involved in the complaints process/system should refrain from divulging the details of complaint/any information gathered by them in the course of the inquiry and the identities of the persons involved in the case should not be disclosed. Any breach of confidentiality will be taken seriously and the implications of which shall be disciplinary actions as per the rules of PHFL.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Person and witnesses.

Involved parties breaching the confidentiality provisions shall, in addition to the above be liable to penalty. PHFL shall recover a sum of INR 5,000 (Indian Rupees Five thousand) as penalty from such person.

### **TRAINING AND WORKSHOPS**

Members of the IC shall compulsorily undergo the training program formulated against sexual harassment at workplace.

The training program and workshops conducted shall include, but not be limited to the following layout:

- Understanding the paradigms of the Act and scope of definition of sexual harassment
- Gender sensitization
- Examples and case studies
- Procedural intricacies
- Orientation programs and seminars
- Capacity building and skills building
- Declare names and contact details of all members of IC
- Complaint mechanism
- IC

Awareness about this Policy shall be created by emails as well as displaying or notifying the salient features of the Policy and Names of Members of the IC, in a suitable manner and Employees will be free to raise issues relating to Sexual Harassment and the same will be discussed in meetings with the management.

All steps should be taken by the Company to inform third party personnel having business relationship with the Company about the existence and applicability of this Policy. This may include display of this Policy at a conspicuous location

### **DUTIES OF THE EMPLOYER**

To provide a safe working environment to all persons at the workplace

- Display at any place in the workplace, penal consequences of sexual harassment;
- Organise workshops and training programs at regular levels;
- Provide necessary facilities to IC for dealing with complaints and conducting inquiries;

- Assist in securing attendance of respondents and witnesses before the IC
- Provide assistance to a woman if she chooses to file a complaint under the Indian Penal Code or any other applicable law;
- Cause to initiate action, under the IPC (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the complainant so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- Monitor timely submission of reports by the IC;
- And any other assistance required by the IC for conducting inquiries into complaints made against sexual harassment.

#### **DUTIES OF THE EMPLOYEE**

Abstain from committing acts amounting to sexual harassment whether explicit or implied resulting in unwelcome behaviours or creating hostile environment Report incidents of Sexual Harassment without fear or favour.

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.

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.

#### **DUTIES OF THE MANAGEMENT**

They 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.

Also,

1. Take action as recommended by the committee.
2. Overall process & policy ownership.
3. Ensure the policy is communicated to all employees.

## DUTIES OF THE IC

The IC shall function as an independent body and implement this policy.

- The IC members to meet at least once in every quarter and review the measures taken by the Company, to suggest enhancing the measures taken by the company to prevent any type of sexual harassment at workplace and recommend remedial measures.
- Conducting inquiries in accordance with the procedures set out further below, and ensuring compliance with the Act in all actions taken under, or in connection with, this Policy.
- A quorum of 3 members including the Presiding Officer is required to be present for the proceedings to take place of the IC provided the majority shall comprise of women members.
- The IC shall handle complaints in a confidential manner and within a time-bound framework.
- The IC shall prepare an Annual Report and submit it to the Board of Directors. The Annual Report shall have details of complaints received, action taken by the IC in respect of the said complaints, the number of cases in which the allegations made by the aggrieved have been proved and not proved. The Annual Report shall also include the recommendations sent by the Committee to the management for enhancing the measures taken for prevention and redressal of complaints of harassment.
- The IC shall be objective and will respect the dignity and confidentiality of the persons involved.
- Understand & determine if the complaint falls under the sexual harassment purview and then proceed further.
- If the complaint is on a location or site head or on an IC member then direct the complaint to the Chief Human Resource Officer for further steps.
- If the aggrieved so desires, help to resolve the dispute on mutually agreed terms. No monetary settlement shall be made as a basis of dispute resolution. Based on the agreement arrived, recommend to the IC.
- In case of formal inquiry process, help or support the aggrieved to put the case in writing.
- Hold a detailed inquiry into the proceeding and document the procedures.

- Submit an inquiry report to the Chief Human Resource Officer after each inquiry with conclusion and recommendation. Provide copy to the aggrieved and respondent.

#### **PREPARATION OF REPORT**

The IC shall prepare an annual report which shall be placed before the board and submit the same to the district officer (a summary of which shall be submitted to the State Government) which should inculcate the following details:

- Number of cases of sexual harassment received in a year;
- Number of complaints disposed off in a year;
- Number of cases pending for more than 90 (ninety) days;
- Number of workshops of awareness programs carried out against sexual harassment and
- Nature of action being taken by the Executive Committee or the employer

#### **EVALUATION OF POLICY**

1. The Sexual Harassment Policy shall be evaluated so that any amendments required may be recommended by the redressal committee to the Board of Directors based on their experience of dealing with complaints.
2. The exercise shall be an annual exercise at the minimum. The Policy will be flexible to amendments to address situations that the policy has not covered at the onset.

## ANNEXURE 1

### Constituent members of the IC – APEX INTERNAL COMMITTEE

Position	Name	Designation	Alternate Email	Phone Number
Presiding Officer	Ms. Mauli Agarwal	Deputy Vice President – Compliance	posh.icc@poonawalla housing.com	6383621265
Member 1	Ms. Priti Saraogi	Company Secretary		9830245793
Member 2	Ms. Swati Sachdeva	Lead – Sp. Project & Emp Exp. – HR		8829034567
Member 3	Mr. Ashish Singhania	Head HR		9920039133
Member 4		VP or above of Respective Business /vertical		
External Member	Ms. Geeta Bora	NGO Head		98901 36206

Note : In case of Conflict of Interest, considering accused / complainant is from the same vertical / department as of any Committee Member. The concerned committee member would declare the conflict and act as “Passive” for the entire investigation proceeding. In such scenario, the Presiding Officer shall nominate any of the cross functional head as Invitee for the duration of that particular case.

The remaining members shall be deemed to constitute a quorum in such scenarios

## ANNEXURE 2

### Constituent members of the NODAL INTERNAL COMMITTEE

Zone	Position	Nodal Internal Committee	Designation	Email ID
East	IC Member	APEX Internal Committee + Mr. Dipankar Ghosh	Zonal Collection Manager	<a href="mailto:posh.icc@poonawallahousing.com">posh.icc@poonawallahousing.com</a>
West	IC Member	APEX Internal Committee + Mr. Ashutosh Trivedi	Zonal Sales Manager	
North	IC Member	APEX Internal Committee + Mr. Chayan Gulati	Zonal Sales Manager	
South	IC Member	APEX Internal Committee + Mr. Sunil C Reddy	Zonal Sales Manager	

Note : In case of Conflict of Interest, considering accused / complainant is from the same vertical / department as of any Committee Member. The concerned committee member would declare the conflict and act as “Passive” for the entire investigation proceeding. In such scenario, the Presiding Officer shall nominate any of the cross functional head as Invitee for the duration of that particular case.

The remaining members shall be deemed to constitute a quorum in such scenarios