

Consocia Policy on Prevention of Sexual Harassment (PoSH) at workplace

Introduction

At Consocia Advisory Private Limited, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to

- Treat each other with dignity and respect
- Follow the letter and spirit of law
- Refrain from any unwelcome behaviour that has sexual connotation (of sexual nature)
- Refrain from creating hostile atmosphere at workplace via sexual harassment
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

The Policy intends to ensure that no employee/consultant is subjected to sexual harassment, and it is applicable to all employees of Consocia Advisory Private Limited (“**CAPL**”) and its fraternity. “**Employee**” as referred to in this Policy covers all employees/full time consultants of CAPL, whether permanent, temporary, probationary or part-time or working as a consultant or on a voluntary basis or engaged through a contractor or agent, including employees at CAPL’s Regional Offices/Centres.

Sexual harassment at the workplace results in violation of the fundamental rights of a woman

- to equality under Articles 14 and 15 of the Constitution of India
- to life and to live with dignity under article 21 of the Constitution
- to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on 25 June 1993 by the Government of India.

CONSOCIA ADVISORY PRIVATE LIMITED is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry,



marital status, gender, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the workplace or other than workplace if involving an employee or employees is a grave offence and is therefore, punishable.

Where Sexual Harassment occurs against any employee/consultant as a result of an act by a third party or outsider while on official duty, CAPL will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider. This Policy shall be applicable to any allegation of Sexual Harassment at CAPL premises including any place visited by an Employee arising out of or during the course of employment and/or transportation provided by CAPL (“**Workplace**”).

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. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

This policy provides protection against sexual harassment of employees/consultants at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

The guidelines in the ‘Policy on Prevention of Sexual Harassment of women at workplace’ intend 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.

This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company in India. Local country laws will take precedence over this policy, in other geographies, if applicable

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 an employee and someone that employee deals within the course of his/her work who is not employed by the Company.
2. “Act” means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and any amendment thereto



3. **Aggrieved woman/person:** In relation to a workplace, an individual, 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.
4. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman
5. **Employee:** 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.
6. **Workplace:** In addition to the place of work [Head office / Branch offices, Factories, or home during Work From Home] it shall also include any place where the aggrieved woman/person or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with, including transportation provided for undertaking such a journey.
7. **Employer:** A person responsible for management, supervision and control of the workplace

“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:
 - Physical contact and advances;
 - Demand or request for sexual favors;
 - Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through any means.;
 - Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - Giving gifts or leaving objects that are sexually suggestive;
 - Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to



intrude upon one's privacy;

- Persistent watching, following, contacting of a person; and
- 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:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- 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/person.

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:
 - 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 must ensure that nobody is subject to harassment of any kind and that everyone is treated equally. 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 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 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' or ICC)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Complaints Committee**" is constituted at each location. The detail of the Committee is notified to all covered persons at the location (workplace).

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

Current nominated members of the Committee are given in **Annexure A**.

The Committee shall comprise of:

- **Presiding Officer:** A woman employed at a senior level in the organization or workplace
- **Members:** At least 2 members from amongst employees, committed to the cause of prevention of sexual harassment against any person and/ or having legal knowledge
- **External Member:** One external member, familiar with the issues relating to sexual harassment
- **Committee Composition:** At least one half of the total members are women

The Internal Complaints Committee will operate on the following guidelines:-

- a) the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman /person Complaints Committee shall meet as and when any instance of violation of the policy is referred to the Committee and, in any case, at least once in a year.



- b) Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the act to the Board.
- c) The Presiding Officer and the members of the Internal Complaints Committee will hold the position up to three years from the date of their nomination unless the position is vacated due to reasons such as resignation / termination of the member from the organization or if the member recuses him/herself from being part of the Committee on personal grounds or if a member is removed from the Committee by majority members for reasons of unethical conduct.

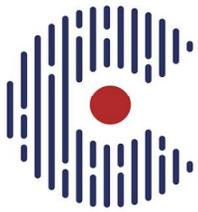
Lodging a Complaint

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.

- a) The complaint must be lodged within **3 months** from the date of incident/ last incident.
- b) 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.
- c) 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 woman/person for making the complaint in writing.
- d) If the aggrieved woman/person is unable to lodge the complaint on account of her/his incapacity, the following may do so on her/his behalf, **with her/his written consent**:
 - Legal heir, relative or friend
 - Co-worker
 - Any person having the knowledge of the incident
- e) 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.
- f) Wherever possible, CAPL shall ensure 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 unlike any other type of dispute. Complainants may be embarrassed and distressed, and it requires tact and discretion while receiving the complaint. Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.



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

- Complaint is 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.
- Situations are not be 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, are used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- 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.

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/person**.
- 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 matters cleared/sorted.
- In case a settlement is arrived at, the Committee records & reports to the employer, the appropriate action to be taken. 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

The Committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman/person
- 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 its receipt of the original complaint/closure of conciliation/repeat complaint.

Inquiry into complaint

The Internal Complaints Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable. Such an inquiry (with due conciliation as appropriate) shall be completed within a period of three months. Confidentiality of the complaint procedure will be maintained.

The Internal Complaints Committee shall proceed to make an inquiry into the complaint in accordance with the principles of natural justice and further during the course of inquiry provide an opportunity of being heard to the complainant and the Respondent and the relevant witnesses provided by the complainant and the Respondent

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 is present
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.

In conducting the inquiry, a minimum of three Committee members including the Presiding Officer are to 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 -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman/person of maximum 3 months, in addition to the leave she/he would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- 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 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

- CAPL shall ensure 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.



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 Committee, in consultation with CAPL Management may decide/recommend 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.

Considerations while preparing inquiry report

- On the completion of such inquiry, the internal Committee shall provide the report of its findings to the Managing Director & CEO within a period of 10 days from the date of completion of enquiry and such report be made available to the concerned parties.
- The Managing Director & CEO shall act upon the recommendation within 60 days of its receipt.
- In the event that the Internal Complaints Committee arrives at the conclusion that there is no case for Sexual Harassment, then the complaint may be dropped by the Internal Complaints Committee, and it shall notify the management of CAPL of the same

While preparing the findings/recommendations, following are 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 complainant, respondent, witnesses and evidence
- Other similar facts, evidence, 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 were 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





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 shall ensure 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 / Penalties to respondent

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:

- Counseling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination
- May immediately refer the case based on the gravity and merits of the case to the local police/judiciary
- Or any other action that the Management may deem fit.

The employer acts upon the recommendations within **60 days** and confirm 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 the Directors/VP/Founders.

Malicious / False Allegations

Where the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman/person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman/person 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/person or any other 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.

Awareness

Awareness sessions are to be organized to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against any individual, especially women.
- Carry out orientation programs and seminars for the members of the Internal Complaints Committee (ICC).
- Conduct capacity building and skill building programs for the members of the ICC.
- Declare the names and contact details of all the members of the ICC.
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the ICC, 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 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 communicate.

Management Assurance

- Express prohibition of sexual harassment will be notified and circulated.
- Prohibition of sexual harassment is included in the Service and Conduct rules of the company.
- Complainants or witnesses will not be victimised or discriminated against while dealing with complaints.



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Notes:

- 1) For more details, please refer to the Act - "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013", and the Rules issued thereunder.
- 2) The Management reserves the right to modify / change/ withdraw any part or whole of the Policy contents without assigning any reason with or without notice at any time at their sole discretion.

Annexures

Internal Complaints Committee

Presiding Officer: Ms. Manorama Bakshi

Member: Ms. Somdatta Sengupta

Member: Ms. Ratna Manjiri

Member: Mr. Kunal Advant

External Member: Mr. Mangesh Gupte

Employer: Dr MVRL Murthy