

Prevention of Sexual Harassment Policy

NEW AMENDMENT

Applicability

POSH Act is applicable on each and every Company, workspace, establishment or organisation **employing 10 or more employees** whether full time, part time, interns or on contract, irrespective of its nature of industry or location.

Mandatory Compliance (NEW NOTIFICATION INTRODUCED)

This is to bring urgent attention that the formation of an Internal Committee is legally mandated by the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013. As per the Act, It is mandatory for the Internal Committee of your organization to provide an Annual Report in the prescribed format to the District Magistrate Officer. It has been observed from our records that your organization has not filed the Annual Report pertaining to compliance of Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 for the year **1st January 2022 to 31st December, 2022**.

You are directed to file the said Annual report and also upload the signed copy of the annual report latest by 31st January, 2023.

Please note that formation of an Internal Committee and submission of required details and annual report as specified in Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is legally mandatory; failure to comply with provisions of the Act will be subject to penalty of **Rs. 50,000/-** as prescribed in the said Act.

The Delhi and Haryana governments have now adopted the POSH Act and are mandated to submit the annual report by 31.01.2023.

1.0 Policy

1.0 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, and existing rules framed thereunder namely the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

- 1.1 DYNAMIC PORTFOLIO MANAGEMENT & SERVICES LTD, is an equal employment opportunity company and is committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, color, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin, or disability. This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees.**

2.0 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 the company's employee and someone that employee deals within 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 behavior (whether directly or by implication):

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- 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) Demand or request for sexual favors
 - (iii) Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
 - (iv) 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.
 - (v) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
 - (vi) Giving gifts or leaving objects that are sexually suggestive
 - (vii) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy
 - (viii) Persistent watching, following, contacting of a person; and
 - (ix) 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) Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - (iv) Humiliating treatment likely to affect health or safety of someone

The reasonable person standard is used to determine whether 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 individual.

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2. **Aggrieved Individual:** 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 and includes contractual, temporary employees and visitors.
3. **Complainant:** Any aggrieved individual (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
4. **Employee:** A person employed at the company, 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. **Employer:** A person responsible for management, supervision, and control of the workplace
6. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved individual
7. **Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved individual or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with company, including transportation provided for undertaking such a journey.
8. **Internal Complaints Committee (ICC):** Committee constituted to address sexual harassment at workplace
9. **Presiding officer:** A senior level woman employed at the workplace who presides over ICC

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3.0 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 in the Company must ensure that nobody is subject to harassment and that there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

4.0 Redressal Mechanism

In compliance with the Act, if the complainant(s) wants a formal intervention, a written complaint needs to be lodged, which shall be followed by a formal redressal mechanism as described in this Policy

4.1 Internal Complaints Committee (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 ICC at each location comprises of:

- Presiding Officer
- At least 2-3 members from amongst employees
- One external member, familiar with the issues relating to sexual harassment
- At least one half of the total members should be women

ICC is responsible for:

- Receiving complaints of sexual harassment at 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 ICC are given in

Annexure A.

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4.2 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 ICC members at the workplace.
- The complaint must be lodged within **3 months** from the date of incident/ last incident. The ICC 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 ICC shall render all reasonable assistance to the aggrieved individual for making the complaint in writing.
- If the aggrieved individual is unable to lodge the complaint in account of incapacity, the following may do soon their behalf, **with the written consent** from aggrieved individual.
 - (i) Legal heir, relative or friend
 - (ii) Co-worker
 - (iii) Any person having the knowledge of the incident
- If the initial complaint is made to a person other than an ICC member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the ICC immediately.

4.3 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 should be kept in mind by the receiver of the complaint:

- Complaint is listened to, and the complainant assured that the Company takes the concerns seriously and follow up will be done speedily
- Situations are not 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, complainants' 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.
- 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

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

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4.4 Resolution through conciliation

Once the complaint is received, before initiating the inquiry, the ICC may take steps to conciliate the complainant between the complainant and the respondent. **This is only if requested by the aggrieved individual.**

It is made clear to all parties that conciliation 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 (non-monetary) is arrived at, the ICC records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within **2 weeks** of receipt of complaint.

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

4.5 Resolution through formal inquiry

(1) In case settlement is not feasible or could not be arrived at through conciliation, ICC will conduct an inquiry into the complaint. Additionally, an inquiry may also be initiated if the aggrieved individual informs the ICC that any terms of settlement has not been complied with by the respondent.

(2) The ICC within **7 (seven) working days** of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.

(3) The respondent within **10 (ten) working days** of receiving the complaint shall file his/her reply to the complaint along with list of supporting documents, names, and addresses of witnesses.

(4) The ICC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC. ICC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.

(5) The inquiry process shall be completed maximum within the period of **90 (ninety) days** from the date of receipt of the complaint.

(6) The ICC within **10 (ten) days** from the date of completion of inquiry shall provide a report of its findings and recommendation(s) to the employer and such report and recommendation(s) shall also be forthwith made available to the complainant(s) and respondent(s).

(7) Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code⁴ (45 of 1860) or under any other law; it shall be the duty of ICC to immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

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4.6 Interim relief

During pendency of the inquiry, on a written request made by the complainant, the ICC may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved individual of maximum 3 months, in addition to entitled leave
- Prevent the respondent from assessing complainant's work performance
- Grant other relief as may be appropriate

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

4.7 Termination of Inquiry

In the event of failure to attend personal hearing before ICC by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the ICC shall have the right to terminate the inquiry proceedings or give an ex-parte decision. However, the ICC shall serve a notice in writing to the party (ies), **15 (fifteen) days** in advance, before such termination or the ex-parte order.

4.8 Confidentiality

This policy and the law prohibit any person including ICC Members from publishing, communicating, or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the ICC during the proceedings under the provisions of the Act.

4.9 Harassment by individuals outside this policy

If an aggrieved individual brings to the notice of the ICC any instances of sexual harassment where the respondent is not an employee or other individuals covered under this policy, the Management or any person delegated by the Management shall provide assistance to the aggrieved individual, if such aggrieved individual so chooses, to file a complaint with the ICC of the respondent's employer or under the IPC or any other law for the time being in force, as may be appropriate.

4.10 Protection to Complainant

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue and/or produces any forged or misleading document) will be subject to applicable disciplinary action.

4.11 Complaint unsubstantiated

Where the ICC 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.

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Further, the ICC 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.

4.12 Complaint substantiated

Where the ICC 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:

- (i) Counseling
- (ii) Censure or reprimand
- (iii) Apology to be tendered by respondent
- (iv) Written warning
- (v) Withholding promotion and/or increments
- (vi) Suspension
- (vii) Termination
- (viii) Or any other action that the Management may deem fit.

The employer needs to act upon the recommendations within **60 (sixty) days** of receiving it and confirm it to the ICC.

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.

4.13 Malicious Allegations

Where the ICC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved individual or any other person making the complaint has made the complaint knowing it to be false or the aggrieved individual or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to act against the aggrieved individual or the person making the complaint.

The action recommended should be like the ones proposed for the respondent in case of substantiated complaints.

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

4.14 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 (ninety) days** of the recommendations being communicated.

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Annexure-A

Internal Complaints Committee at Value on Shore Advisors	
Presiding Officer	Mr. Kailash Chandra Agarwal
Employee	Ms. Manisha Saini
Employee	Ms. Sakshi Gaur
External Member	Ms. Sheetal (Company Secretary)
External Member	Ms. Shikha Jain (Social Activist)

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