

Standardized Policy on Prevention of Sexual Harassment at Workplace (POSH)

(Applicable for FirstMeridian and its Operating Companies)



DOCUMENT CONTROL INFORMATION

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20 th March 2020	V1	Document Created
20 th December 2022	V2	Change in POSH Committee
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13 th June 2024	V5	Change in POSH Committee

I. OBJECTIVE:

As defined in our Code of Conduct document, FirstMeridian is committed to providing a work environment that ensures every employee is treated with dignity, respect and afforded equitable treatment. The Company will not tolerate any form of Sexual Harassment and will take all necessary steps to ensure none of its employees (Women, Men, LGBTQ+) are subjected to any form of harassment at the workplace.

II. Statutory Framework:

This Prevention of Sexual Harassment at Workplace (POSH) policy has been created in accordance / compliance to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act). Any changes in the POSH Act, from time to time, will supersede this policy.

III. SCOPE:

This policy applies to all categories of employees of the Company, including management, associate, core, temporaries, trainees and employees on contract at their workplace or at client sites.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. Any place, arising out of or during the course of employment.
3. All company-related activities performed at any other site away from the Company's premises such as conferences and training programs.
4. Any place where a social, business or any other gathering is taking place where such conduct or comments may have an adverse impact on the workplace or workplace relations.
5. Other place such as transportation provided by company for the purpose of commuting to and from the place of employment.

IV. DEFINITIONS:

a) Sexual Harassment at the workplace includes, but is not limited to:

- (i) physical contact and advances; or (ii) a demand or request for sexual favors; or (iii) making sexually colored remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present or in relation with any act or behavior of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment; or
- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about the present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment for the person; or
- Humiliating treatment affecting any person's health or safety.
- Sexual harassment can involve a series of incidents such as:
- Serious or repeated offensive remarks

- Invasion of personal space (getting too close for no reason)
- Persistently asking someone out, despite being turned down
- Stalking an individual

Some behaviors which may not constitute sexual harassment:

- Taking follow-up for the absence at the work and for status of work
- Some situations such as meeting deadlines or working beyond hours to get the work done as per the job requirement
- Feedback provided by Supervisor/Management regarding the work and not specific to the person

- b) Aggrieved Individual means in relation to a workplace, a person (Women, Men or LGBTQ+), of any age, whether employed or not (for example, visitors to the workplace etc.) , who alleges to have been subject to any act of sexual harassment by the respondent.
- c) Respondent means a person against whom a complaint of alleging sexual harassment has been made under this policy.
- d) Complainant is any aggrieved individual (including a representative, 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.

V. INTERNAL COMPLAINTS COMMITTEE (ICC):

Under section 4 of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013”, the Company has instituted an Internal Complaints Committee (ICC) for redressal of sexual harassment complaints (made by the Complainant) and for ensuring time bound treatment of such complaints. ICC must have one external member which can be from NGO/women’s organization/ or familiar with issues of sexual harassment or a social worker with at least 5 years’ experience or a person familiar with labor, service, civil / criminal law. ICC to be appointed by an order in writing, hold office for not more than 3 years and has powers of Civil Court - summon witness, documents etc.

The constituents of this Inquiry

committee are: For FirstMeridian

1. **Presiding Officer:** Ms. Nimeesha Sinha (Cell no. 9619166639)
2. **Member:** Ms. Deepy Sogam (Cell no. 9867637150)
3. **Member:** Ms. Rama Devi (Cell no. 9951317828)
4. **Member:** Mr. Bibin Chandra (Cell no. 9916443231)
5. **External Member:** Ms. Anju Sabharwal (Cell no. 9811054211)

Key responsibilities of Internal Complaints Committee (ICC):

- To effectively address workplace sexual harassment complaints, an Internal Complaints Committees must be aware of their key responsibilities, some of which are highlighted below:
 1. Be thoroughly prepared
 2. Know the Act, Policy and/or relevant Service Rules
 3. Gather and record all relevant information
 4. Determine the main issues in the complaint
 5. Prepare relevant interview questions
 6. Conduct necessary interviews
 7. Ensure parties are made aware of the process and their rights/responsibilities within it
 8. Analyze information gathered
 9. Prepare the report with findings/recommendations
- To investigate every formal complaint of sexual harassment received either by letter or e-mail.

VI. Role of the Presiding Officer:

- To formally inform all ICC members and Deputy CHRO of the complaint received (both online & offline) within 2 days of the receipt.
- To decide the members of the Inquiry Committee taking into account the nature of complaint and conflict of interest if any.
- To participate in all the Inquiry proceedings.

VII. Role OF Employer:

- To ensure all requirements as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 are implemented
- To provide a safe working environment at the workplace, which shall include safety from the persons coming into contact at the workplace
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the order constituting the Internal Committee under sub-section 1 of section 4
- Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the ICC
- Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry
- Assist in securing attendance of respondent and witnesses before the ICC
- Make available such information to the ICC as it may require having regard to the complaint under subsection 1 of section 9
- Provide assistance to the woman if she so chooses to file a complaint in relation to the office under Indian Penal Code (45 of 1860)
- Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator or if the aggrieved woman so desires, where the perpetrator is not an employee in the workplace at which the incident of the sexual harassment took place
- Treat sexual harassment as a misconduct under the service rules and initiate action under such misconduct
- Monitor the timely submission of reports by the ICC
- Include in its annual report, the number of cases filed and disposed.
- In case of any changes to the ICC committee, then ensure that an immediate replacement is found and the same is updated in the policy.

VIII. REDRESSAL PROCESS:

Complaint mechanism:

An appropriate complaint mechanism in the form of “**Internal Complaints Committee**” has been created in the Company for time-bound redressal of the complaint made by the victim.

- Complaint of sexual harassment can be done as per the guidelines mentioned in the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. <http://www.iitbbs.ac.in/notice/sexual-harrasment-of-women-act-and-rules-2013.pdf>
- Person against whom the complaint has been made, can be asked to proceed on official leave with pay on decision of ICC.
- Till the Inquiry proceedings are going on, temporary disconnection of the reporting relationship, if it exists, between the complaint and the person against whom complaint is made. Placement into different teams may also be decided.

How to raise a Complaint with the ICC:

Any aggrieved individual may make, in writing, a complaint of sexual harassment at the workplace, to the ICC.

The complaint can be lodged by writing to the following email ID:

For FirstMeridian employees - posh@affluentgts.com

Conciliation

The ICC may, before initiating an inquiry, and at the request of the aggrieved individual take steps to settle the matter between her and the respondent through Conciliation, Provided that no monetary settlement shall be made as a basis of the conciliation.

Through this Conciliation process, if the aggrieved individual wishes to deal with the matter informally, the ICC will:

- Give an opportunity to the Respondent to respond to the complaint.
- Ensure that the Respondent understands the complaints mechanism.
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant or refer the matter to a designated mediator within the company to resolve the matter.
- Ensure that a confidential record is kept of what happens.
- Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped.

Lodging Complaints

If the aggrieved individual wants to make a formal complaint or if the conciliation has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

Inquiry into complaint

The following is the process for inquiry into formal complaint.

1. As per the Act, any aggrieved individual may make, in writing, to the Internal Complaint Committee (ICC), within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.
2. The Inquiry committee will maintain a hard copy register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
3. The complaint should include relevant dates, timings and locations; name of the respondent(s); and the working relationship between the parties.

4. Names of the witnesses could be given by all parties involved, and the inquiry committee will call them, and any additional witness as brought upon by the situation.
5. Within 7 working days of filing the Complaint, the Committee must send a copy of the complaint and related documents to the respondent.
6. Within 10 days of receiving the Complaint copy, the respondent must file the reply to the Inquiry Committee along with supporting documents and names/addresses of victims and witnesses.
7. The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
8. The Committee must complete the Inquiry within 90 days of its commencement.
9. Within 10 days of completion of the Inquiry, the Committee must provide a report of its findings to the Employer.
10. The Employer must act on the recommendations of the Committee as per Rule 9 of the Act.
11. The Complainant or respondent is not permitted to bring a legal practitioner, before the ICC, to represent them at any stage.
12. In case the complainant or respondent fails to present themselves before the ICC for three consecutive hearings, then the ICC may after giving an advance notice of fifteen days pass an ex parte order or terminate the inquiry proceedings.

Where the aggrieved individual is unable to make a complaint on account of physical or mental incapacity, a compliant may be filed by any of the following:

In case of physical incapacity:

- Complainant's relative
- Complainant's friend
- Co-worker
- Officer of National Commission of Women or State Women's Commission
- Any person who has knowledge of the incident with the written consent of the complainant

In case of mental incapacity:

- Complainant's relative
- Complainant's friend
- Special educator
- Qualified psychiatrist/psychologist
- Guardian/authority under whose care the complainant is receiving treatment/care
- Any person with knowledge of the incident, jointly with any person mentioned above

In case of Complainant's death:

Any person with knowledge of the incident with the written consent of their legal heir

IX. INQUIRY PROCESS:

1. The Presiding Officer will decide the members of inquiry committee taking into account the nature of complaint and conflict of interest if any and communicate the same to the Inquiry Committee members.
2. The Inquiry Committee will hold a meeting with the Complainant within seven working days from the receipt of the complaint.
3. At the first meeting, the Constituted Inquiry committee members shall hear the Complainant and record the allegations. The Complainant can also submit any corroborative material with a documentary proof, oral, recorded or written material, etc., to substantiate their complaint.
4. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint

does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof and formally communicating back to the complainant.

5. The Inquiry committee shall immediately proceed with the Inquiry and communicate the same to the Complainant and respondent.
6. The Inquiry committee shall prepare and hand over the Statement of Allegation to the Respondent and give him/ her an opportunity to submit a written explanation within 10 days of receipt of the same.
7. Thereafter, the person against whom complaint is made may be called for a deposition before the Inquiry committee and an opportunity will be given to him / her to give an explanation, where after, an "Inquiry" shall be conducted and concluded.
8. The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
9. If the Complainant or the Respondent desires any witness/es to be called, they shall communicate in writing to the Inquiry committee the names of witness/es whom they propose to call.
10. If the Complainant desires to tender any documents by way of evidence before the Inquiry committee, s/he shall supply original copies of such documents. Similarly, if the Respondent desires to tender any documents in evidence before the Inquiry committee, s/he shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies. In case where there is lack of evidence, it should not be treated as false case.
11. The Inquiry committee shall call upon all witnesses mentioned by both the parties.
12. The Inquiry committee shall provide every reasonable opportunity to the Complainant and to the Respondent, for putting forward and defending their respective case.
13. The Inquiry committee shall complete the "Inquiry" within reasonable period but not beyond three months. They will analyze and assess the information gathered during the Inquiry. Create a timeline to help establish the sequence of events related to the complaints. Compare similarities and differences within each of the statements made by the Complainant or the Respondent.
14. The Inquiry committee will communicate its findings and its recommendations for action to the Management/Employer in the form of a Report.
15. The report should contain the following elements:
 - A description of the different aspects of the complaint;
 - A description of the process followed;
 - A description of the background information and documents that support or refute each aspect of the complaint;
 - An analysis of the information obtained;
 - Findings as stated above;
 - Recommendations.
16. The Management/Employer will take action as per the recommendation proposed by the Inquiry committee.
17. The ICC will submit an Annual report to the employer and District Officer. The following elements should be included in the report:
 - No. of complaints of Sexual Harassment cases received
 - No. of complaints disposed off during the year
 - No. of complaints pending beyond 90 days
 - Nature of interim relief sought
 - No. of complaints where conciliation was sought
 - No. of cases where the accusation was upheld
 - No. of false complaints received
 - No. of training or awareness programs undertaken in organization
 - Nature of action taken by employer/ district officials

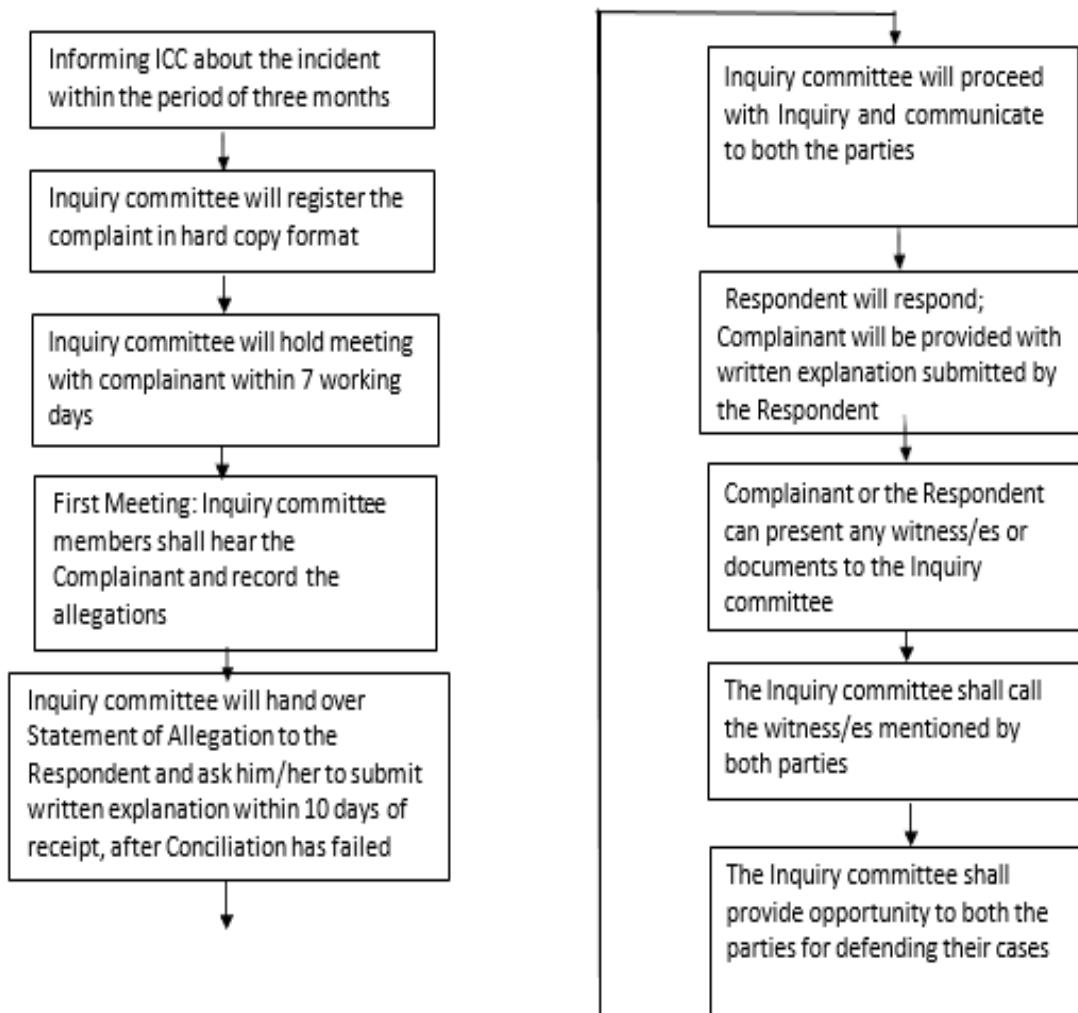
Rights of the Complainant:

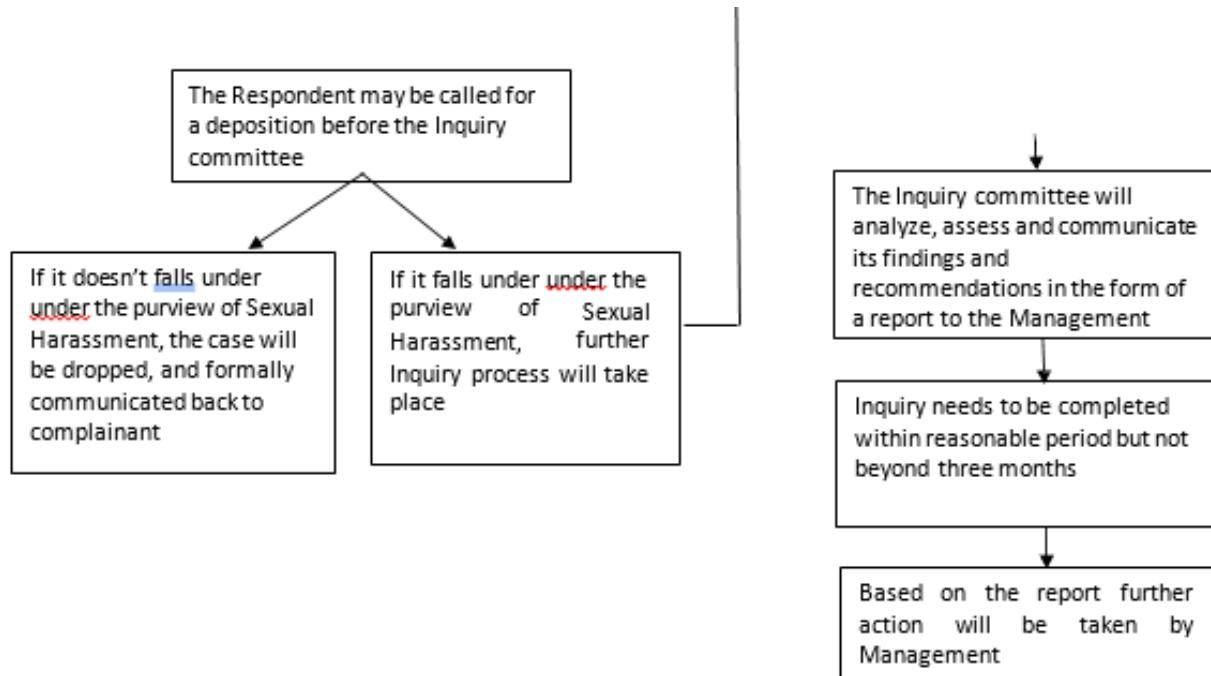
- An empathetic attitude from the Internal Complaints Committee so that s/he can state their grievance in a fearless environment.
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.
- Keeping his/her identity confidential throughout the process except to the Respondent and witnesses for purpose of investigation.
- Support, in lodging FIR in case s/he chooses to lodge criminal proceedings.
- In case of fear of intimidation from the respondent, his/her statement can be recorded in absence of the respondent

Rights of the Respondent:

- A patient hearing to present his/her case in a non-biased manner.
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant.
- ICC committee to keep his/her identity confidential throughout the process except to the Complainant and witnesses for purpose of investigation.

Formal Mechanism flowchart





X. PROTECTION TO COMPLAINANT:

The Company is committed to ensuring that any employee who brings forward a harassment concern is not subjected to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the aggrieved individual or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

XI. FALSE REPORTING:

In case the ICC arrives at a 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 has produced any forged or misleading document, it may recommend to the employer to take action as per Rule 9 of the Act against the aggrieved individual or the person who has made the complaint.

XII. ACTION AGAINST HARASSMENT (if proved through the investigation by the ICC):

1. In addition to being subject to action as per Rule 9 of the Act, any individual who violates this policy may also incur individual, personal liability and exposure to an award of monetary damages (if found appropriate by the management and commensurate to the damages caused to the complainant, if any, and has been proved).
2. In the event of such action, all incentives payable by FirstMeridian employee under this agreement, including any granted, unvested or vested and exercised ESOPs, employment incentives shall stand forfeited, if any, and the Promote Policy shall stand forfeited. In such event the employee shall forthwith refund/ transfer all such incentives to FirstMeridian (grossed up for applicable taxes) in the manner set out in the respective incentive grant letter.
3. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Company shall support the affected person through the process.

XIII. APPEAL:

Any person aggrieved by the recommendations of the ICC or non-implementation of the ICC's recommendations by the Employer may prefer an appeal to the court within 90 (ninety) days of such decision as prescribed in the Section 18 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

XIV. CONFIDENTIALITY:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the company to the extent practicable and appropriate under the circumstances.

All involved including Complainant & Respondent (if employed with FirstMeridian or its operating companies), and ICC members, Employer or any other stakeholder, is advised, through this policy, to maintain strict confidentiality in regard to the complaint. No stakeholders shall release any communication in this regard both inside/outside the company and in public/social media (like Facebook, Twitter, Instagram, LinkedIn, WhatsApp Groups, Print media etc.) unless forced or directed by the Government Machinery.

XV. CONCLUSION:

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from sexual harassment/ discrimination and where every employee is treated with dignity and respect.

DEVIATION:

- Any deviations from this policy requires approval from the Group CEO.
- Management reserves the right to modify this policy without prior notice.

POLICY OWNER:

- FirstMeridian Deputy CHRO can be contacted for any queries or suggestions.

POLICY STATUS:

- Policy formulated on 20th March 2020.
- Policy modified on 20th December 2022.
- Policy modified on 30th October 2023.
- Policy modified on 18th January 2024.
- Policy modified on 13th June 2024

