# Xtracap Fintech India Pvt. Ltd

**Policy for Prevention of Sexual Harassment at Workplace**

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# POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE

1. **Introduction**

Xtracap Fintech India Private Limited (the “Company”) is committed to providing a work environment where every employee is treated with dignity and respect irrespective of gender and hierarchy. The Company does not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of sexual harassment.

It has become increasingly evident that legislative measures for combating sexual harassment need to be accompanied by an effective preventive mechanism introduced at workplace by the Company.

Keeping this in view, the Company has framed a policy for Prevention, Prohibition and Redressal of Sexual Harassment at Workplace (“Policy”) in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (hereinafter referred to as the “Act”) read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

The purpose of the Policy is to offer its employees, a workplace where equitable treatment is afforded to every employee.

# Scope of the Policy

Subject to the applicable provisions of the Act, this Policy deals with all the incidents and complaints of sexual harassment at the workplace, arising out of or during the course of employment with the Company.

Although the Act stipulates putting in place a mechanism for prevention, prohibition and redressal of sexual harassment *against women* at workplace, given the policy of the Company to ensure equitable treatment to all the employees irrespective of gender or hierarchy, this Policy extends to all categories of employees of the Company. In view of this, all the provisions of this Policy shall *mutatis mutandis* apply to complaints of sexual harassment by the male employees as well. In such a situation, any reference to feminine gender shall be read as masculine gender and *vice versa*.

For the purpose of this Policy –

* + **“employee”** means any person employed at a workplace for any work on regular or temporary, *ad hoc* or daily wages basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principle employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
  + **“workplace”** includes the office(s) of the Company situated at 411, Vishal Towers, 10 District Center, Janakpuri , Delhi - 110048 India, any other office(s)/ property (ies) taken/ to be taken by the Company in relation to its business, and any place visited by the employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey.

Words and expressions used and not defined herein but which are defined in the Act shall have the meanings respectively assigned to them in the Act.

# What constitutes “Sexual harassment”

Sexual harassment includes such unwelcome sexually determined behavior, as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands whether by words, gestures or actions.

The following circumstances, among others, if occur or are present in relation to or connected with any act or behaviour of sexual harassment :-

* + implied or explicit *promise* of preferential treatment in her employment; or
  + implied or explicit *threat* of detrimental treatment in her employment; or
  + implied or explicit *threat* about her present or future employment status; or
  + interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  + humiliating treatment likely to affect her health or safety.

**What to do in the case of incidence of sexual harassment:** In the case of incidence of sexual harassment, the Company has put in place two tier redressal mechanism. The aggrieved woman can at the first instance, opt to consult the Ombudsman nominated for the purpose of this Policy. If she is not satisfied with the outcome of the consultation with the Ombudsman, she may file a formal complaint to the Internal Committee (IC). Alternatively, the aggrieved may directly file a formal complaint to the IC without approaching the Ombudsman.

# Option to consult the Ombudsman before registering formal complaint to IC

Any of the aggrieved employees may, before registering a formal complaint with the IC, consult the Ombudsman nominated by the Company in this behalf within 15 (fifteen) days of the incidence of sexual harassment. Nonetheless, this option will be at the discretion of the aggrieved employee. If the aggrieved employee wants to register a complaint directly to IC, he/she can do that without any compulsion for exploring this option. The Ombudsman will take steps to settle the matter amicably between the complainant and the person against whom the complaint has been filed (“Respondent”) through counselling, preferably within 7 (Seven) days of being approached by an employee. However, if the aggrieved person is not satisfied with the counselling and measures taken by the ombudsman he/ she may file a formal complaint to the IC.

Notwithstanding anything mentioned herein, it is clarified that the time taken for exercising this option (from the date of approaching by the employee and till the disposal of the matter by the Ombudsman) shall be in addition to the time permitted under the Act for filing the complaint before the IC.

The Company has appointed Ms. Akanksha Trivedi (Email: [hr@xtracapindia.com](mailto:hr@xtracapindia.com) ) as Ombudsman for the purpose of this Policy.

# Internal Committee

The IC has been constituted for time bound redressal of the complaints of sexual harassment. The IC, as on date, comprises of the following:

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| **S. No.** | **Name** | **Designation** |
| 1. | Ms. Yasmin Riaz, Deputy National Director in ‘Save the Children’. | Presiding Officer |
| 2. | Akanksha Trivedi | Member |
| 3. | Inderjit Singh Bedi | Member |
| 4. | Pulkit Dham | Member |

Every Member of the IC shall hold office for a period not exceeding three years, from the date of their nomination by the Director and Head –HR (also referred to as “Senior Management”).

# Procedure for Complaint and Inquiry

1. a complaint of sexual harassment shall be made *in writing* or *by email* to the IC email ID or to any member of the IC (along with the supporting documents and list of witnesses, if any) at the earliest point of time and in any case within 4 (four) months of the alleged incident and in the case of series of incidents, within a period of 4 (four) months from the date of the last incident. Where such complaint cannot be made in writing, the Presiding Officer (PO) or any member of IC shall render all reasonable assistance to the aggrieved woman (also referred as the “complainant”) for making the complaint in writing.
2. any Complaint against the employer shall be made by the aggrieved woman to the Local Committee constituted by the appropriate Government under the Act.
3. it is important that the aggrieved person keeps a written record of dates, times, details of the conduct and witnesses, if any. Each complaint should at the minimum be specific as to:
   * nature of sexual harassment
   * identity of the person/s who is/are involved in the act/s of sexual harassment
   * facts and circumstances in support of the complaint
4. Where the victim cannot make a complaint on account of –
5. physical incapacity, her legal heirs or relative or friend or co-worker or an officer of the National Commission for Women or State Women’s Commission or any person who has knowledge of such incident, with the written consent of the victim, may make a complaint;
6. mental incapacity, her legal heirs or relative or friend or a special educator or a qualified psychiatrist or psychologist or the guardian/ authority under whose case she is getting treatment or any person who has knowledge of such incident jointly with any of the above may make a complaint.
7. death, her legal heirs or any person who has knowledge of such incident, with the consent of her legal heir; or
8. otherwise for any other reason, her legal heirs or any person who has knowledge of such incident, with the her consent.
9. On receipt of the complaint, the IC shall forward a copy of the same to the Respondent within 7 (seven) days from the receipt thereof. The Respondent shall file reply to the complaint along with list of documents and witnesses at the earliest and in any case not later than 10 (ten) days from the date of receipt of the copy of complaint from IC.
10. The IC, before initiating an inquiry and at the request from the complainant can take steps to settle the matter between the complainant and the Respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
11. Where a settlement has been arrived during the conciliation proceedings, IC shall record the settlement so arrived and provide copies thereof to the complainant as well as the Respondent. Where a settlement has been arrived based on conciliation, no further inquiry shall be conducted.
12. If the complainant informs the IC that any such settlement is not complied with then in such a case, the IC shall proceed with the inquiry. The IC will allow both the parties to explain their case in detail. Both the parties (complainant and Respondent) will also be required to submit the evidences in support of their statements.
13. For the purpose of making an inquiry, the IC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:
14. summoning and enforcing the attendance of any person and examining on oath;
15. requiring the discovery and production of documents; and
16. any other matter which may be prescribed.
17. The IC shall make inquiry into the complaint in accordance with the principles of natural justice.
18. Parties shall not be allowed to bring any legal practitioner to represent them in

the proceedings before the IC.

1. The IC shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the complainant or the Respondent fails, without sufficient cause, to present herself/ himself for 3 (three) consecutive hearings convened by the Presiding Officer. However, such termination or ex-parte order shall not be passed without giving 15 (fifteen) days’ notice to the parties.
2. The inquiry shall be completed within a period of 90 (ninety) days. Any delays will have to be explained in writing to the complainant, the Respondent and to the Senior Management.
3. During the pendency of the inquiry, on a written request made by the complainant, the IC may recommend any of the below relief to the complainant:
4. transfer of the complainant or the Respondent to any other office of the Company; or
5. grant leave to the complainant up to a period of 3 (three) months and this will be in addition to any other entitled leave or grant such other relief to the complainant as may be decided by the IC; and
6. restrain the Respondent from reporting on the work performance of the complainant or writing confidential reports and assign the same to another employee.
7. On completion of the inquiry, the IC shall provide a report of its findings to the Senior Management within a period of 10 (ten) days from the date of completion of the inquiry and a copy of the report shall be given to the complainant and Respondent.
8. If the allegations against the Respondent are not proved, no action will be recommended by the IC against the Respondent.
9. In case the allegation against the Respondent has been proved, the IC may recommend any of the following:
10. to take action for sexual harassment as a misconduct as per Company’s policy/ service rules/ code of conduct including a verbal or written warning, suspension, or termination of employment or a written apology, reprimand or censure, withholding of promotion, pay rise or increments, undergoing a counseling session or carrying out community service.

ii. to deduct, notwithstanding anything in the Company’s policy/ service rules/ code of conduct applicable to the Respondent, from the salary or wages of the Respondent, such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.

For the purpose of determining the sum to be paid to the aggrieved woman, the IC would have regard to:

1. the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
2. the loss in career opportunity due to the incident of sexual harassment;
3. medical expenses incurred by the victim for physical or psychiatric treatment;
4. the income and financial status of the Respondent;
5. feasibility of such payment in lump sum or in installments.
6. In case the employer is unable to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of employment, IC may direct the Respondent to pay such sum to the aggrieved woman.
7. The IC may forward the order for recovery of the sum as an arrear of land revenue to concerned District Officer, in terms of the provisions of the Act.
8. The employer shall act upon the recommendation made by the IC within 60 (sixty) days of its receipt.
9. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made, the identity and addresses of the aggrieved woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC, as the case may be, and the action taken by the employer or the District Officer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

# Punishment for False/ Malicious Complaint and False Evidence

The Company strongly discourages false and malicious complaints by the employees.

Where the IC arrives at the conclusion that the allegation against the Respondent is malicious 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 any action including –

* + Written apology
  + Warning and taking a written bond of good conduct
  + Reprimand or censure
  + Withhold of promotion
  + Withhold of pay rise or increments
  + Termination from service
  + Undergo counselling session
  + Perform community service

However, mere inability to substantiate a complaint or provide adequate proof may not attract action against the complainant under this section.

The malicious intent on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed under the Act, before any action is recommended.

**Action against witness in case of false evidence:** Where the IC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness.

# Appeal by Aggrieved Person

A person aggrieved with the recommendations made by the IC, or the non- implementation of the recommendations of the IC, as the case may be, may prefer an appeal within a period of 90 (ninety) days in terms of the provisions section 18 of the Act.

# Amendments to the Policy

Based on the experiences of working on the Policy, the Senior Management may make necessary amendments in the Policy. Further, the IC may also make recommendations to the Senior Management about amendments in the Policy.