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POSH – Guideline on Handling Unlawful Harassment

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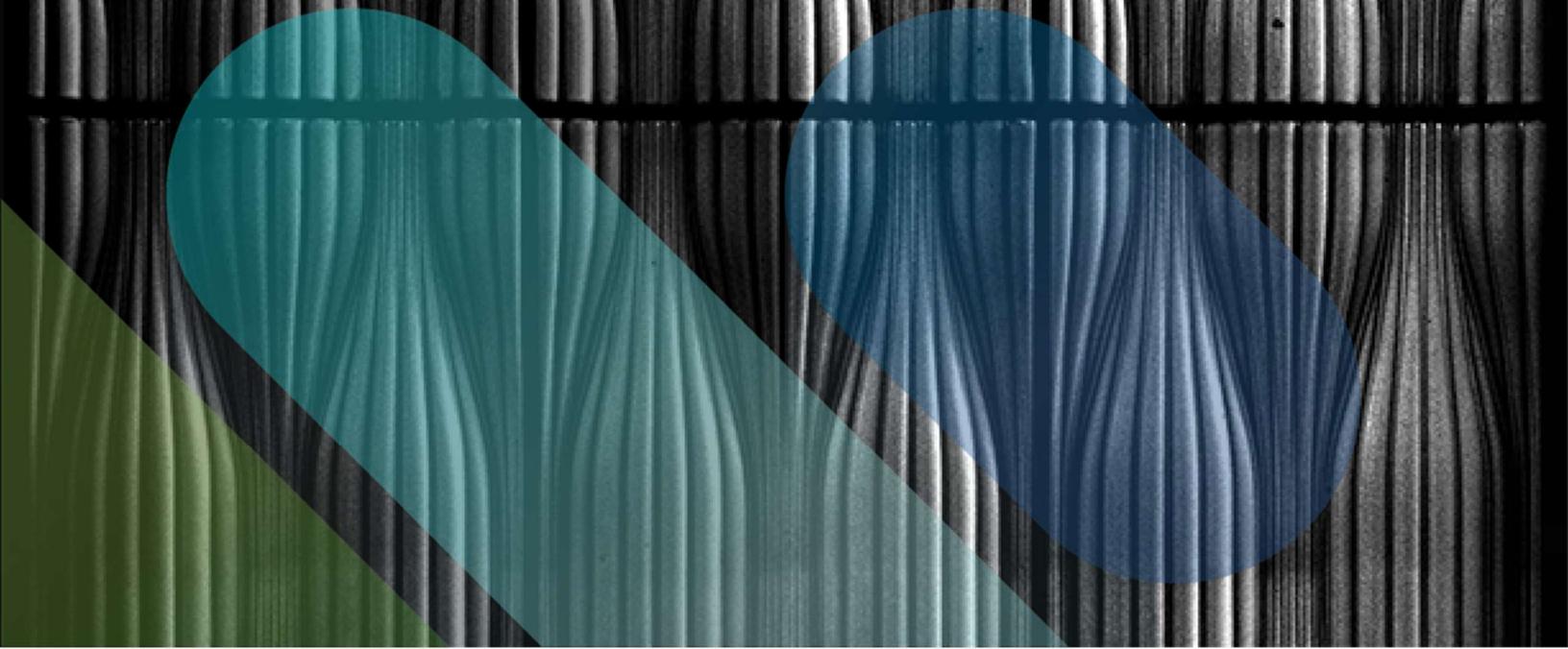
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Author: HR



majesco

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Document Change History Log

Version No.	Date	Author/Editor	Details of Change
1.0	1-Jul-2015	HR Team	Majesco Baseline Release
2.0	8-Sep-2016	HR Team	Formatted as per updated organization template
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4.0	10-Jun-2020	HR Team	Formatted as per updated organization template
5.0	01-Jan-2021	HR Team	Workplace is defined clearly in the document
6.0	01-Oct-2022	HR Team	Renaming of Internal Compliance Committee (ICC) to Internal Committee (IC)
7.0	01-Jan-2026	HR Team	Formatting and corrections

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1 PURPOSE

- The purpose of the Unlawful Harassment Policy is to convey to every employee that the Organization's goal to create a healthy and friendly working environment is an extremely important one.
- The Organization will treat allegations of unlawful harassment, of both genders, including sexual harassment, very seriously and will make every effort to investigate any claim of such harassment in a fair and equitable manner. Gender neutrality will be maintained in handling allegations of unlawful harassment.
- The Unlawful Harassment Policy will be largely governed by 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (hereinafter referred to in this document as 'SHWW Act'), in so far as its applicability, investigation process and other aspects of the law are concerned.

2 SCOPE & APPLICABILITY

The Unlawful Harassment Policy is applicable to all employees in India, Majesco's customers, clients, vendors, business associates and any other non-employee over whom Majesco has direct control. It is the Organization's resolve that any form of Harassment, including sexual harassment, will not be tolerated in any of its Offices or by any of its representatives.

3 OBJECTIVE - PROHIBITION

The objective of this document is to foster a professional, open and trusting workplace. As a statement, sexual harassment of any form at workplace is very strictly prohibited in Majesco, regardless of the gender of persons involved. Majesco shall initiate appropriate steps to prevent any kind of sexual harassment in its workplace. Workplace includes not just the office location, but any place and / or platform visited by employees arising out of or during the course of employment and engagement. This will include work related interactions on digital platforms, transportation vehicles provided by the company and similar such scenarios. It shall also conduct periodic orientation and training to all its employees and other stakeholders like Vendors, Contractors, Sub-Contractors, Visitors, etc.

4 DEFINITION OF SEXUAL HARASSMENT

- Sexual harassment consists of unwelcome sexual advances, requests for sexual favours, or visual, verbal, or physical conduct of sexual nature.
- Examples of conduct that may constitute sexual harassment are:
 - Verbal: A sexual innuendo, suggestive comments, jokes of sexual nature, sexual propositions, lewd remarks, threats, and requests for any type of sexual favor.

- Non-verbal: Unwelcome, unwanted physical contact. The distribution or display of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive, or show hostility towards an individual or group because of sex. Suggestive leering, staring, whistling, obscene gestures or letters, notes, facsimiles and e-mails where the content is sexual in nature

5 PREVENTION

- Majesco shall introduce suitable steps to prevent any kind of sexual harassment at workplace. Detailed awareness sessions shall be conducted for all employees and other stakeholders so that everyone is made aware of the need to prevent any kind of sexual harassment.
- Special orientation/Workshops shall be conducted for the Internal Committee (IC) Members so as to make them aware of the processes around preventing and dealing with sexual harassment incidences at workplace.

6 COMPLIANCE

- The Unlawful Harassment Policy, specifically governed by the SHWW Act, is part of Code of Business Conduct & Ethics Policy. This Policy is widely circulated amongst the employees as well as other stakeholders through Intranet and Company's website publication. Awareness is established through personal briefings during new employee joining Inductions as well as through specific undertakings being executed with other stakeholders like Vendors, Contractors, Sub-Contractors, etc.
- An Internal Committee (IC) has been constituted, comprising of members as recommended in the SHWW Act. i.e. more than 50% of the Committee Members are women, the IC is headed by a woman and it has co-opted an external female member. Such Committees are constituted in all the locations of the Company – viz. in Mumbai & Pune. A list carrying the names of these Committees is also announced and circulated to all stakeholders.
- The Internal Committee Members will hold office for a period of 3 years and will be eligible for reappointment for further terms and such revised list will be periodically announced and shared with all stakeholders.

7 PROCEDURE

- The Organization is an equal employment opportunity provider and unlawful harassment of any kind including sexual harassment is forbidden. The Organization is committed to ensuring Stakeholders are treated fairly and equitably in an environment free of intimidation and sexual harassment. Harassment is an unacceptable form of behavior which will not be tolerated under any circumstances. It is also unlawful. All complaints of unlawful harassment and sexual harassment will be treated seriously and promptly, with due regard to confidentiality. Disciplinary action will be taken against any stakeholder who, after thorough investigation, is found to have breached the Policy.

- Following process shall be followed by the person who is sexually harassed (affected person):
 - Inform the offender that the behavior is offensive, unwelcome and against the Organization's policy around Sexual Harassment and it should stop forthwith (this step is valid only if the affected person feels comfortable enough to approach the offender directly)
 - Affected person should keep a record of the incident(s)
 - If the unwelcome behavior continues, the affected person should contact the Internal Committee formed for this purpose
- The process for filing a formal complaint with IC, under the SHWW Act, shall be as under:
 - The Complainant will need to make a written complaint, within 3 months of the actual incident, to any member of the IC. The complaint should be accompanied by all relevant details of supporting evidences (emails or transcripts of any communication related to the harassment), including the contact name and co-ordinates of any witnesses.
 - If the complaint is against one of the IC Members, then the complaint should be raised with the Local Complaints Committee (Dy. Labour Commissioner of the City where the Company operates).
 - The IC shall, within 7 working days of receiving the complaint, send a copy of the complaint to the person against whom the complaint is made.
 - The person against whom the complaint is made should respond to the IC, within 10 working days of receiving the complaint copy. Such response should carry details of any supporting evidence or transcripts of any communication or contact names and co-ordinates of any witnesses which can be used as a defense in the complaint.
 - The IC shall then take up the complaint for investigation.
 - The IC shall ensure that the investigation is completed within 90 days, reckoned from the date of complaint.

8

REDRESSAL / COMPLAINANT'S RIGHTS

During the course of the investigation, the Complainant will have a Right –

- to request for a transfer of self to another location within the organization
- to request for leave, not exceeding 3 months
- to request prohibition of her performance appraisal by the person against whom the complaint has been made
- Besides, the Complainant will also be entitled to seek assistance from the Company to file a police complaint in the said harassment.

9 REDRESSAL PROCESS STEP

- The IC shall complete its investigation within 90 days from the date of receiving the complaint.
- The IC shall provide copies of its findings to both the Complainant and the person against whom the complaint is made, within 10 days of completion of its investigation.
- Both the Complainant and the person against whom the complaint is made should be given sufficient time to respond to the IC's investigation findings.
- If the allegations are proved, appropriate action to be recommended by IC against whom the complaint is made.
- If the allegations are not proved, IC to check if the complaint was false or malicious and if yes, recommend appropriate action to be initiated against the Complainant.
- If the allegations are not proved and if the complaint was also not false or malicious, closure of the case with no action on either side.
- The Organization/HR Dept. to complete the IC recommended action within 60 days of completion of investigation.

10 REDRESSAL – CONCILIATION & SETTLEMENT

- If, after making a complaint, the Complainant wishes to have a settlement or wants to withdraw the complaint, it can be done only if the IC has not initiated the investigation process. In other words, once IC has initiated the process of investigation, the investigation process must be completed and cannot be stopped.
- However, if the investigation process has not started, the IC can then entertain such a request from the Complainant and initiate conciliation between the Complainant and the person against whom the complaint is raised. The conciliation can be in any manner but not for any materialistic gain or involvement of money in lieu thereof.
- If the matter is settled as part of the conciliation process, the person against whom the complaint is made must honour the settlement. If he does not honour the settlement or if the matter itself is not settled through conciliation process, the investigation process must be continued and proceeded as per normal investigation process outlined above.

11 CONSEQUENCES FOR THE PERSON AGAINST WHOM COMPLAINT IS MADE

- In line with the recommendations of the SHWW Act, if the complaint is proved after the process of IC investigation, the person against whom the complaint is made may be liable to suffer damages by way of compensation to the Complainant. He shall also be liable for further punishment as prescribed by the IC based on the Company's Code of Conduct and Service Rules. Depending on the gravity of the offence, the punishments could be by way of warning, apology, no increment or promotion, suspension, termination from services or any other appropriate form of punishment.
- If the complaint is not proved, there is no action on the person against whom the complaint is made.

12 CONSEQUENCES FOR FALSE OR MALICIOUS COMPLAINT

If it is established in the process of IC investigation that the Complainant had filed a false or malicious complaint against anyone, the Complainant shall be liable for punishment as prescribed by the IC based on the Company's Code of Conduct and Service Rules. Depending on the extent of damage caused by the false or malicious complaint, the punishments could be by way of warning, apology, no increment or promotion, suspension, termination from services or any other appropriate form of punishment.

13 CONFIDENTIALITY

- Keeping in mind the sensitivity of the subject, confidentiality will be maintained by the IC and the Company, in all matters of sexual harassment cases. In specific, the following shall not be disclosed, published, communicated, or disseminated in any manner to the public, press or media:
 - Identity & co-ordinates of the Complainant, the person against whom the complaint is made or the witnesses;
 - Any information relating to the settlement, settlement proceedings or investigation.
- However, the following may be situations of exceptions where information may be shared:
 - Information regarding justice provided to the Complainant, without revealing any information that could lead to identification of any of the parties.
 - Compliance information about the complaint investigated and the findings with any of the Company's Auditors who will require the details as part of the Company audit, to certify on Company's financial liabilities, if any, related to such complaints.

14 SOME DO'S AND DON'TS FOR EMPLOYEE & STAKE HOLDERS

- All Employees & Stakeholders should familiarise themselves with the policies and practices around the sexual harassment and the process explained in the Policy.
- As a first step, if you are harassed, take it up with the person concerned directly and ask him to stop such action forthwith.
- Wherever possible, retain records of harassment (in the form of emails, letters, SMS's, photographs, etc.) which can be relied and referenced upon during an investigation process. It will also be useful for proving your complaint.
- Even if you are not harassed but you are aware of any of your colleagues or friends being harassed, feel free to raise it on their behalf as part of a whistle blowing route, in the interest of Company's resolve to maintain a good working environment.
- Be conscious of your behavior and communications, particularly on social media platforms; what may seem to be quite normal for you could be very offensive or objectionable and be seen as a harassment to another!

- Co-operate with the IC during the investigation process and attend all hearings without fail and provide complete, truthful information.
- Do not indulge in rumour mongering and loose talk about alleged instances of sexual harassment or about the individuals involved. Maintain confidentiality, as both sides are entitled to their privacy.
- Do not suppress instances of sexual harassment.
- Do not delay in reporting sexual harassment cases. It is very difficult to prove sexual harassments with passage of time.

15 SOME DO'S AND DON'TS FOR MANAGERS

- Sensitize your subordinates to issues of sexual harassment and educate them on the consequences.
- If anyone draws your attention to incidents of sexual harassment, encourage the person to report such incidents to the IC immediately.
- Do not discourage anyone from reporting behavior, which he/she thinks is sexual harassment.
- Do not intimidate or retaliate against someone who has complained of sexual harassment. If done, such conduct could also be construed and reported as sexual harassment.
- Do not draw conclusions from any complaint without going through the full investigation process

16 OTHER PROCESS STEPS

- All complaints of harassment that are reported will be investigated promptly, in an impartial manner, and as confidentially as possible. The Organization will undertake or direct a thorough and objective investigation of the harassment allegations. Stakeholders are expected to cooperate with any investigation, whether they are the accuser, the accused, or a possible witness.
- Where such conduct amounts to a specific offence under any other Law prevalent in the State/Country of its occurrence (e.g. under the Indian Penal Code, if in India), the concerned authorities shall initiate appropriate action in accordance with the Law, by making a complaint to the appropriate authority.
- In particular, it should be ensured that the affected persons or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- Regardless of the outcome of the complaint made in good faith, the Stakeholder lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the IC shall ensure that the complainant or the witness is not victimized or discriminated against by the accused.

- Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the accused against the complainant while the investigation is in progress, should be reported by the complainant to the IC as soon as possible. Disciplinary action will be taken by IC against any such complaints which are found genuine.
- The IC shall maintain complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainant's and the accused's files with the full report from the IC.
- Unlawful harassment is not just unlawful during working hours or in the workplace itself. The behaviour is unlawful in any work-related context, including conferences, work functions, business or field trips, and interactions with clients.
- This Policy has been evolved as a tool to ensure that in the interest of justice and fair play, the affected Stakeholders have a forum to approach in the event of instances of unlawful and sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual / tarnishing his/her image in the Organization and to settle personal/professional scores, disciplinary action may be taken against the complainant.
- The Stakeholders who are victims of unlawful and sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.
- After closure of every harassment complaint, a confirmation of satisfactory closure of the complaint will need to be obtained from the complainant, with a clear statement of no monetary claim or damages on the Company.
- The IC shall meet on a periodic basis to take stock of any improvement measures to be brought about in the Company's Unlawful Harassment Policy due to any legislation changes to the issue of sexual harassment at workplace or due to any specific instances within the organisation or to any external developments. It shall also review any cases of Sexual Harassment Complaints, if any, received from any quarter within the organisation and maintain appropriate records of the same.