

PREVENTION OF SEXUAL HARASSMENT POLICY

Objective:

We are committed towards creating and maintaining a workplace that treats each one of us with dignity, respect, acceptance and mutual trust. This policy enables us to provide a safe working environment to one and all in accordance with “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” of India.

Scope:

This policy is applicable to all employees of Abans Group.

As per section 2(n) of “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” (hereinafter referred to as “**Act**”), “Sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely;-

- Physical contact and advances; or
- A demand or request for sexual favors; or
- Making sexually colored remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. It is considered sexual Harassment at workplaces when a person:
- Subjects another person to an unwelcome act of physical intimacy, like grabbing, rushing, touching, pinching, etc.

- Makes an unwelcome remark with sexual connotations, like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks for the person or amongst themselves in an attempt to humiliate or embarrass another person.
- Shows a person any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/any offensive written material/pornographic/e-mails, etc.
- Engages in any other unwelcome conduct of a sexual nature, which can be verbal, or even non-verbal, like staring that makes the other person feel uncomfortable, making offensive gestures, kissing sounds, etc.
- It is also sexual harassment for a boss to make intrusive inquiries into the private lives of employees, or persistently ask them out.
- Lewd, vulgar or obscene remarks, jokes, posters or cartoons.
- Sending sexually colored and inappropriate text messages or emails.
- Making disparaging, discriminatory or offensive remarks about pregnancy, gender identity, sexual orientation or marital status of a person.

Prevention of Sexual Harassment:

If the following circumstances, among other circumstances listed below occurs or is present in relation to or connected with any act or behavior of sexual harassment then it may be covered in this policy:

- 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 present or future employment status; or

- Interference in work or creating an intimidating or offensive or hostile work environment;
or
- Humiliating treatment likely to affect health and safety

Formation of Internal Complaints Committee:

In conformity with the directive of the Supreme Court of India and provisions of the Act, an Internal Complaints Committee (IC) has been constituted at all administrative units or offices.

The Internal Committee is required by law to consist of the following members to be nominated by the employer:

- Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees
- not less than two members from amongst employees preferably committed to the cause of women;
- one member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.

Management shall ensure that all investigations are conducted by the designated resource to ensure that prompt corrective action is taken where appropriate. Management is also responsible for ensuring non-retaliation towards parties involved in the investigation from the management or any other member employed with the company.

Any proceeding of the committee will require 3-member quorum.

The IC for various offices and administrative units at Abans Group]have been constituted as per **Annexure I.**

Formal Intervention:

Any employee in the group who is sexually harassed within the meaning of sexual harassment as defined by the Act, is encouraged to make a personal complaint, giving the details of such harassment addressed to the applicable IC through below mentioned e-mail IDs based on their location. An aggrieved person must submit a written complaint (along with 6 copies) to the IC (with supporting documents, if any, and the names and addresses of the witnesses). The complaint must be lodged within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the last incident.

In case the aggrieved employee complaints to the HR, then HR shall escalate the matter to the IC immediately. HR shall not, for any complaint relating to sexual harassment, have the power to investigate such complaint and the investigative power solely rests with the IC as per the Act.

If the IC is satisfied of circumstances being such so as to have prevented the aggrieved person from filing a complaint within the said time period, the IC may, in its discretion, extend the time limit for submitting a complaint but by not more than three months. An aggrieved person must try and document as much evidence of the incident as possible in order to build a stronger case.

Provided that where such complaint cannot be made in writing, the committee members shall render reasonable assistance to the employee for making the complaint in writing. In a situation where an employee is unable to make a complaint on account of physical or mental incapacity or death or otherwise, the legal heir or such other person as may be prescribed, may make a complaint.

- Assistance would also be given by the IC to a person who is unable to make a complaint in writing.
- In case where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by -

- i. their relative or friend; or
 - ii. their co-worker; or
 - iii. an officer of the National Commission for Women or State Women's Commission; or
 - iv. any person who has knowledge of the incident, with the written consent of the aggrieved person;
- In case where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by-
 - i. their relative of friend; or
 - ii. a special educator; or
 - iii. a qualified psychiatrist or psychologist; or
 - iv. the guardian or authority under whose care they are receiving treatment or care; or
 - v. any person who has knowledge of the incident jointly with their relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care they are receiving treatment or care;
 - In case the aggrieved person is unable to make the complaint for any other reason, a complaint may be filed by any person, who has knowledge of the incident, with the written consent of the aggrieved person.
 - In case of the death of the aggrieved person, a complaint may be filed by any person, who has knowledge of the incident, with the written consent of the legal heir of the aggrieved person.

Redressal Process:

The following section explains the redressal process in process flow format with timelines around each of the steps.

Conciliation:

- The Committee, may, before initiating an inquiry under the Act, and at the request of the complainant, take steps to settle the matter between the latter and the respondent through conciliation.
- No monetary settlement shall be made as a basis of conciliation.
- Where a settlement has been arrived through conciliation, the committee shall record the settlement and forward the same to the employer to take action as specified in the recommendation.
- The Committee shall provide the copy of settlement to the complainant and respondent; no further inquiry shall be conducted by the committee; when settlement is arrived through conciliation.
- In an event of no conciliation is reached or the respondent does not honor the settlement terms agreed upon, the committee will initiate an inquiry into the allegations.

Inquiry:

Subject to the provisions and the outcome of conciliation, the committee shall proceed to make an inquiry into the complaint;

- IC to share the formal copy of the complaint to respondent within 7 working days of receipt of the complaint.
- The respondent will be obliged to file a written response to the complaint within 10 working days of receipt of the formal complaint.
- The parties will be given an opportunity of being heard and to bring witnesses in support of their respective stands. Copies of all statements and evidence filed will be given to both parties to enable them to make adequate representations before the IC;
- While making an inquiry, the IC is empowered by law to have similar powers as are vested in a civil court i.e. (amongst others) to summon and enforce the attendance of any person, examine them on oath and require the discovery and production of documents;
- The IC shall have the right to terminate the inquiry proceedings or give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present themselves for three consecutive hearings convened by the chairperson or presiding officer, as the case may be. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
- A detailed investigation is to be carried out and completed by the IC within 90 days from the day of complaint.
- IC to submit a formal copy of inquiry report to the Management within 10 working days of the completion of inquiry.
- Where the IC arrives at the conclusion that the allegations against the respondent have not been proved, it shall recommend to the Company that no action is required to be taken in the matter.

- If the respondent is proved to be guilty, appropriate action must be suggested to the Management within the prescribed days as mentioned in the Act.
- The actions as recommended by the Committee can be either a written apology, a warning (verbal / written), reprimand or censure, withholding of promotion, withholding of pay rise or increments, suspension / termination or undergoing counseling sessions or carrying out community service. All concerned may be assured that the Committee and the Management will maintain the highest level of confidentiality in respect of all matters brought before it.
- In an event there is breach of confidentiality by either of the parties, witnesses, IC members or any other person privy to the details of the investigation, such person may face suspension/termination of their services without pay.
- In case the complaint is found to be false, unfounded, baseless or malicious, suitable action shall be taken against the employee.
- Any person who is aggrieved with the findings of the IC inquiry is eligible for an appeal under the relevant provisions of the POSH act 2013.
- Similarly, in the event an employee has raised sexual harassment concerns, the reporting manager cannot initiate termination process on the basis of poor performance unless the concern has been evaluated and resolved.
- Proceedings of the enquiry and contents of complaint will be kept confidential and should not be communicated, published or made known to the public, press and media in any manner.
- Dealing with incidents of harassment is not like any other type of dispute. Parties may be embarrassed or distressed and the IC shall deal with the same with utmost sensitivity.

Action pending inquiry:

Whilst the inquiry into a complaint is pending, on a written request being made by the aggrieved employee, the IC may recommend to the management to do the following:

- Transfer the aggrieved employee or the respondent to any other workplace; or
- Grant leave to the aggrieved employee up to a period of 3 (three) months; or
- restraining the respondent from reporting on the work performance of the aggrieved person or writing their confidential report, and assign the same to another officer;
- Any other action as the IC deems fit.

Confidentiality:

The following information listed below shall not be published, communicated or made known to the public, press and media in any manner:

- a. Contents of the complaint;
- b. Identity and address of the aggrieved person, respondent and witnesses;
- c. Any information relating to conciliation and inquiry proceedings;
- d. Recommendations of the IC; and
- e. Action taken by the Management.

Any person found violating this provision shall, in addition, to the penalty prescribed under law, be liable for appropriate disciplinary action by the Company, which may lead to termination.

However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars which may lead to the identification of the aggrieved person and the witnesses.

Criminal Proceedings:

Where the offence is punishable under the Indian Penal Code, 1860 (“IPC”) or any other law, then, the IC may, at the request of the complainant, assist them, in taking appropriate action for filing a police complaint.

False/Malicious Complaint:

In case the complaint is found to be false or malicious, the complainant shall, in addition to the penalty prescribed under law, if deemed fit, be liable for appropriate disciplinary action by the Company, which may lead to termination.

Third Party Harassment:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider who is not an employee of the Company, the Company will take all necessary and reasonable steps to assist the employee in terms of support and guidance as may be necessary.

Responsibility:

Reporting managers (having one or more reportees) are expected to take the necessary steps to ensure that employees have a safe environment free from harassing, intimidating or offensive behavior.

Reporting managers shall consider fully, all complaints directed to their attention, fully maintain confidentiality and encourage reporting of matter to the applicable IC in a timebound manner.

All employees are expected to take personal responsibility for upholding organization standards by treating all job applicants, colleagues, customers, contract and temporary personnel and any other individuals associated with [company name] and its subsidiaries with utmost dignity and respect.

In an event of an two persons enter into an interpersonal relationship while being in direct reporting positions, such persons must inform of such a development to the HR at the earliest.

The employees must actively participate (and the reporting managers must ensure participation) in the POSH awareness workshops. It is the employees' responsibility to go through the policy and ensure they have an understanding of what behaviour comprises as harassment under the POSH policy.

Annexure 1

Contact Details of IC Members are as follows:

(1) For Mittal Chambers & Andheri Office:

| Name | Designation | Email ID | Contact No. |
|---------------|---------------------------|--|-------------|
| Kruti Shah | Manager - Secretarial | kruti.shah@abans.co.in | 9920183883 |
| Karan Heda | AVP- Accounts | karan.heda@abans.co.in | 9820844669 |
| Vikas Sharma | Senior Manager - Accounts | vikas.sharma@abans.co.in | 9920464736 |
| Rutuja Shinde | External Member | rutuja@theoutcastcollective.com | 8928021419 |

(2) For Nariman Bhavan:

| Name | Designation | Email ID | Contact No. |
|-------------------|---------------------|--|-------------|
| Bhagyalaxmi Naidu | AVP- Bullion | bhagyalakshmi.naidu@abans.co.in | 9892958435 |
| Sharan Butani | AVP Investment mgmt | sharan.butani@abans.co.in | 9321070386 |
| Kayomarz sadri | AVP- AGRI | kayomarz.sadri@abans.co.in | 9820193677 |
| Rutuja Shinde | External Member | rutuja@theoutcastcollective.com | 8928021419 |