

THACKERSEY GROUP

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) OF WOMEN AT WORKPLACE

Introduction

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 (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Further, we treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and *do not tolerate any form of sexual harassment or discrimination.*

This Policy on Prevention of Sexual Harassment of Women at Workplace intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

Scope

This policy extends to all employees including full-time, part time, contract, and temporary staff of both the companies within Thackersey Group viz. Capricon Realty Private Limited and Bhishma Realty Limited (hereinafter collectively referred to as “Group Companies”). Thackersey Group aims to adopt zero tolerance attitude against any kind of Sexual Harassment or discrimination caused by any employee of its Group Companies towards any other person being an employee of any of the Group Companies, client, vendor or contractor in the premises of the Group or elsewhere in India or abroad.

Definitions

1. Sexual Harassment: Sexual harassment refers to any unwelcome, offensive, or inappropriate behavior of sexual nature that creates an intimidating, hostile, or humiliating work environment.

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 an employee of any of the Group Company and someone that the employee deals within the course of his/her work who is not employed by the Group.

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Sexual harassment includes but is not limited to any one or more of the following unwelcome acts or behavior (whether directly or by implication):

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, gestures 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/explicit pictures, cartoons or sharing other materials through email, SMS, MMS etc., any unwelcome electronic communication of a sexual nature.
- 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:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not 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 woman.

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2. Aggrieved woman: In relation to a workplace, a woman, 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, visitors.

3. Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman.

4. Employee: A person employed at the workplace, 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. Workplace: In addition to the place of work [Head office / Branch offices/ Sites,] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with any of the Group Companies, including transportation provided for undertaking such a journey.

6. Employer: A person responsible for management, supervision and control of the workplace.

Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

Internal Committee (IC)

The Internal Committee is constituted at a group level and is responsible for implementation of this Sexual Harassment Policy for both the companies within the group viz. Capricon Realty Private Limited and Bhishma Realty Limited.

The IC shall at-least consist of the following members nominated by the Employer, namely:

- **Presiding Officer:** A woman employed at a senior level in the organization or workplace
- not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
- 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
- At least one half of the total Members so nominated shall be women. The Presiding Officer and

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Members shall hold office for a period not more than 3 years.

- An order constituting the IC shall be passed and shall be displayed at any conspicuous place of the employer.
- The employee members of the IC may belong to either of the companies in the group.

Roles and Responsibilities

1. The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Sexual Harassment Policy.
2. The Employer shall provide safe working environment at the Workplace which shall include safety from the persons coming into contact at the Workplace.
3. Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the IC and the Employer shall take all steps necessary and reasonable to assist the affected person in terms of support and redressal action.
4. The IC shall prepare a report on all Complaints at the end of the year for submission to the management and the Employer shall submit the same to the district officer.
5. It is both, the duty and obligation of the Employer to provide necessary communication and training with respect to this Policy.
6. The Employer shall ensure that this Policy is communicated, explained, and handed over at the time of induction of every new joiner.
7. The Employer, in consultation with the IC, will be responsible for providing clarifications to staff and colleagues with respect to any queries related to this Policy, as and when required.
8. The Employer shall provide administrative/infrastructural assistance, as may be possible to the Complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
9. The Employer shall provide necessary facilities to the IC, to deal with the Complaint and conduct an inquiry.
10. The Employer shall assist in securing the attendance of the Respondent and the witness before the IC.

Current nominated members of the committees are given in **Annexure A**.

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Lodging a Complaint

The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee 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 Internal Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, **with her written consent**.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible the Employer ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

Receiving a Complaint

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 are kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant informed that the Employer takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situations are not to be pre-judged. Written notes are taken while listening to the person.. 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.
- This is understood and need not be made a policy matter.

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

Resolution procedure through conciliation

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

It is made clear to all parties that conciliation in itself 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 is arrived at, the committee records & reports the same to the employer for taking appropriate action.

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

Resolution procedure through formal inquiry

Conducting Inquiry

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses.
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.

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- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present.

Interim relief

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

- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled.
- Prevent the respondent from assessing complainant's work performance.
- Grant such other relief as may be appropriate.

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

Termination of Inquiry

The Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

Inquiry procedure

All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within **90 days** from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

Considerations while preparing inquiry report

While preparing the findings/recommendations, following are considered:

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- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature.
- Whether the allegations or events follow logically and reasonably from the evidence.
- Credibility of complainant, respondent, witnesses, and evidence.
- Other similar facts, evidence, for e.g., if there have been any previous accounts of harassment pertaining to the respondent.
- Both parties have been given an opportunity of being heard.
- A copy of the proceedings will be made available to both parties enabling them to make representation against the findings, if they so desire.

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

Action to be taken after inquiry

Post the inquiry

the committee submits its report containing the findings and recommendations to the employer, within **10 days** of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at Capricon Realty Private limited may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

Complaint unsubstantiated

Where the committee 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.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged.

Complaint substantiated

Where the committee 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:

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- i. Counseling
- ii. 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 acts upon the recommendations within **60 days** and confirm to the committee.

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.

Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false 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 action against the woman or the person making the complaint.

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

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

Confidentiality

The identity of the complainant, respondent, witnesses, statements, and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

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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 days** of the recommendations being communicated.

Annexure A

Internal Committee of Thackersey Group
<ol style="list-style-type: none">1. Ms. Jalaj Kalra – Presiding Officer2. Mr. Mahesh Joshi3. Mr. Mehul Kataria4. Ms. Niyati Makhijani5. Ms. Aziza Khatri – External Member