

POLICY FOR PROHIBITION, PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT

1.1 Purpose

The purpose of this policy for the prohibition, prevention and redressal of sexual harassment is to ensure that consistent practices, in accordance with applicable laws, are followed to prevent occurrence of Sexual Harassment and to lay down the procedure for redressal of complaints of Sexual Harassment at workplace by the internal committee. This policy may be termed as 'POSH policy' for easy reference.

1.2 Applicability

This policy for the prohibition, prevention and redressal of sexual harassment is applicable to all employees (permanent, temporary or contractual), consultants, trainees, volunteers, third parties and/or visitors at all business units or functions of Emeritus, including any place visited by the employee arising out of or during the course of employment including transportation provided by employer for undertaking such journey.

1.3 Prohibition of Sexual Harassment

Company strictly prohibits Sexual Harassment of any woman in its Workplace, regardless of form or whether it is explicit or implied.

A. Key Definitions

1. **An aggrieved woman** refers to a woman, who claims to have been subjected to Sexual Harassment by any individual (s). For the ease of reference, this document mentions the terms 'she' and 'her' for the aggrieved woman.
2. **Sexual Harassment** refers to:
 - i. any act or behaviour that is unwelcome and sexual in nature, whether directly or by implication, against the aggrieved woman. It includes but is not limited to: physical contact and advances; or a demand or request for sexual favours; or making sexually coloured remarks; or showing pornography; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature, which may be through gestures or verbal, textual, graphic or electronic means.
 - ii. any conduct, behavior or circumstance that is harassing in nature and supports one's own or another person's unwelcome conduct or behaviour of sexual nature. It includes implied or explicit promise of preferential treatment or threat of detrimental treatment in the employment of aggrieved woman; or implied or explicit threat about her present or future employment status; or interferes with her work or creating an intimidating or offensive or hostile work environment for her employment; or humiliating treatment likely to affect her health or safety.
3. **Classification of Sexual Harassment** includes, but is not limited to the following:

- i. Physical harassment which refers to kissing, patting, pinching or touching in a sexual manner or demand or request for sexual favours by action or any form of unwelcome physical contact of a sexual nature;
 - ii. Verbal harassment which refers to unwelcome comments about a woman's sex or private life, jokes and insinuations, sexually explicit conversation, suggestive comments about a woman's appearance or body, demand or request for sexual favours, sexually coloured remarks or overture of sexual nature;
 - iii. Gestural harassment which refers to sexually suggestive gestures such as nods, winks, gestures with hands, fingers, legs or arms; and/or
 - iv. Written, visual or graphic harassment which refers to sending text content or graphic content of sexually explicit nature, which may include but not limited to pornography, screen savers, calendars, desktop wallpaper, posters, pin-ups, websites, presentations or using emails, computer games, short messaging services or multimedia messaging services for the above purposes, addressing unwanted love letters or letters of a sexually explicit nature.
4. **Hostile Work Environment** refers to a work environment when unwelcome physical, verbal, gestural behaviour or any written, visual or graphic representations focusing on sexuality is present to interfere with the aggrieved woman's work performance or be intimidating or offensive to a reasonable woman. E.g. certain sexually coloured remarks display of pornography or sexual or obscene graffiti, physical contact or brushing against female employees.
5. **Workplace** refers to any office or business unit or any other place (physical or virtual) where the employee works or visits or interacts during the course of employment or arising out of employment with Company. It also includes any vehicle used for travel for work, duration of transportation and/or transit for travel.
6. **Prevention of Sexual Harassment Committee (POSH Committee)** refers to a committee constituted, nominated and appointed in accordance with this policy for the prohibition, prevention and redressal of sexual harassment, for the respective offices of Company.

1.4 Policy Statement

- A. Company has zero-tolerance towards Sexual Harassment at the Workplace.
- B. In case of any allegation of Sexual Harassment, proper inquiry will be carried out and strict action will be initiated against a person found guilty, in accordance with this policy for the prohibition, prevention and redressal of sexual harassment.

1.5 Redressal Mechanism

A. Constitution of POSH Committee

1. POSH Committee shall consist of the following (nominated, in writing and signed by an authorised signatory of the Company):
 - i. Presiding Officer, a senior woman employee at the location (in the event of her unavailability, the Presiding Officer shall be nominated from other units or locations);
 - ii. Two (2) or more members from the employees of prudent knowledge, who may have experience in social work or legal understanding; and
 - iii. One (1) member from NGOs or associations committed to the cause of woman or familiar with the issues relating to sexual harassment.

The list of current members of POSH Committee is mentioned in the section ‘List of Members of The POSH Committee’

2. At least 50% of the total members nominated should be women.
3. This committee will be treated as an independent committee and not part of the Company management. However, for the purposes of smoother administration, the POSH Committee will route the communications to the employer through HR Manager.
4. The Presiding Officer and all other members of the POSH Committee will hold office for a maximum term of three (3) years from the date of their respective appointments.
5. In the event, Presiding Officer or any member of the POSH Committee:
 - i. contravenes the provisions of law; or
 - ii. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against her; or
 - iii. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against her/him; or
 - iv. has abused her/him position as a member of the POSH Committee, such Presiding Officer or member, shall be removed from the POSH Committee.

The vacancy created by such removal or any casual vacancy shall be filled by fresh nomination and appointment in accordance with the afore-said guidelines. In the event of a POSH Committee member found to be breaching the norms of confidentiality, he/she will be immediately removed from the POSH Committee.

B. Procedure

Filing a Complaint and Response

1. Any aggrieved woman can file a complaint of Sexual Harassment, in writing or through email to the POSH Committee at POSH@eruditus.com for all locations other than Delhi and Bangalore, POSH.Bangalore@eruditus.com for Bangalore and POSH.Delhi@eruditus.com for Delhi, within a period of three (3) months from the date of incident or in case of series of incidents, within a period of three (3) months from the date of last incident.
2. A complaint filed in the three (3) month period immediately following the expiry of initial complaint filing period mentioned above, will be accepted only if valid reasons for the delay are provided in writing.
3. In case of physical incapacity, her relative/friend/co-worker/an officer of the National Commission for Women or State Women's commission may make the complaint but with her written consent.
4. In case of mental incapacity, a relative/friend/special educator/ qualified psychiatrist/ psychologist/guardian or person having knowledge of the incident can file the complaint.
5. In the event of death of aggrieved woman, the legal heirs or any person who has knowledge of the incident may file a complaint, with the written consent of the legal heirs.
6. Anyone who has knowledge of the incident can file a complaint in place of the aggrieved woman with the aggrieved woman's prior written consent, in the afore- said time frame.
7. Anonymous complaints will not be entertained by the POSH Committee.
8. In the event, the aggrieved woman is not able to complain in writing, the reporting manager or Presiding Officer or any member of the POSH Committee shall provide reasonable assistance to the aggrieved woman for making the complaint in writing.
9. Retaliation, in any form, against either aggrieved woman or complainant or witnesses in such complaints will tantamount to serious misdemeanor and strict disciplinary action will be taken against such individual.
10. POSH Committee will assist the aggrieved woman or her legal heirs in filing a complaint against the alleged harasser under the Indian Penal Code (if she so desires).
11. Within seven (7) days of receiving the written complaint, the POSH Committee must send a copy of the same to the respondent.
12. Within ten (10) working days from receiving a copy of the written complaint, the respondent must send a written response to the POSH Committee.

C. **Conciliation**

1. Before initiating an inquiry, the POSH Committee may, at the request of the aggrieved woman, take steps to settle the matter between the complainant and respondent through conciliation.
2. **No monetary settlement can be made on the basis of conciliation.**
3. In case of settlement through conciliation, the POSH Committee will record the settlement, with reasons and forward the same to the employer for specific action as

per recommendation. Also, provide copies of settlement to both complainant and respondent.

4. Post-settlement, no further inquiry is required to be conducted by the POSH Committee.

D. Conducting and Concluding Inquiry

1. In the event, the complainant does not wish to initiate settlement through conciliation; an inquiry will be initiated against the respondent by the POSH Committee. POSH Committee will conduct all proceedings, wherein both the complainant and the respondent will be heard separately.
2. At the time of inquiry, statements of both complainant and respondent will be recorded by POSH Committee and reasonable opportunity will be given to both the sides to make representations and provide evidence. POSH Committee will follow the guidelines of principles of natural justice.
3. POSH Committee may cross-examine the complainant and the respondent.
4. POSH Committee may, however, on their discretion, call upon or question any other employee who they think might have knowledge of the incident.
5. The complainant/aggrieved woman, the respondent and any employee who appears as a witness before the POSH Committee must maintain the confidential nature of inquiry. In case, such an employee is found to be divulging information to any other employee or any third person, disciplinary action will be conducted against him/her.
6. The complainant, respondent or witnesses must sign the records of proceedings. Refusal to sign the records of the proceeding will constitute misconduct and separate disciplinary action will be taken.
7. During the pendency of an inquiry, on a written request made by the aggrieved woman, the POSH Committee may at its sole discretion, recommend the employer to:
 - i. transfer of the aggrieved woman / complainant or respondent to any other unit or location, or
 - ii. grant leave to the aggrieved woman up to a period of three (3) months, which would be in addition to the entitled leaves of such woman, or
 - iii. suspend the accused for defined period or until the inquiry proceedings are completed, or
 - iv. grant any other interim relief to the aggrieved woman as may be deemed fit.
8. On implementation of such recommendation, a report will be maintained by the POSH Committee.
9. On the completion of inquiry, the POSH Committee will provide a report of its findings and recommendations to the employer, within a period of ten (10) days from the date of completion of the inquiry.
10. Copies of final report shall be provided to the concerned parties.
11. Parties are not allowed to have lawyers to represent them in the proceedings.

1.6 Punishment

- A. On conclusion of inquiry, if the allegation against the respondent is proved, the POSH Committee will recommend an appropriate action against the guilty which may include but not limited to:
 - 1. be admonished or reprimanded or warned in writing;
 - 2. be suspended with full forfeiture of salary and allowance by an order in writing;
 - 3. be dismissed from service without notice;
 - 4. deduct a sum from the salary or final dues payable to guilty, towards the compensation, to be paid to the aggrieved woman or legal heirs;
 - 5. Fine of an amount as decided by the POSH Committee.
- B. In case the employer is unable to make deduction of the compensation from salary of the respondent due to respondent's absence from duty or cessation of employment or any other reason, the employer will direct the respondent to pay the compensation to the aggrieved woman.
- C. The compensation to be paid to the aggrieved woman can be a summation of following determinants:
 - 1. mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - 2. loss in career opportunity due to the incident of sexual harassment;
 - 3. medical expenses incurred by the victim for physical or psychiatric treatment; and /or
 - 4. income and financial status of accused.
- D. The employer will implement the POSH Committee's recommendation, within sixty (60) days of receipt of the final report.
- E. On conclusion of inquiry, if the allegation against the respondent is not proved, the POSH Committee will forward report to the employer recommending closure of the matter with no action required.

1.7 Malicious or False Complaint

On conclusion of inquiry, if the POSH Committee determines that:

- A. allegation against the respondent is malicious; or
 - B. aggrieved woman or any other person who has filed the complaint, has knowingly filed a false complaint; or
 - C. aggrieved woman or any other person has forged or provided false evidence, then the POSH Committee may take strict disciplinary action against such person.
- Mere inability to substantiate a complaint or to provide adequate proof will not attract action against the complainant.

1.8 Strict Confidentiality

- A. The identity and addresses of the aggrieved woman, complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the POSH Committee and the action taken by the employer shall not

be published, communicated or made known to the public, press and media in any manner.

- B. The information may be disseminated (a) to persons strictly on a need to know basis and who are expected to implement the decision of the POSH Committee or (b) for awareness without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.
- C. In case, anyone breaches the above confidentiality requirements, disciplinary action will be taken against such an individual.

1.9 Prevention of Sexual Harassment

- A. Company takes full responsibility to provide a safe working environment at all offices or business units. Company shall also display a notice of POSH Committee members at a conspicuous place at all its respective locations.
- B. Company considers Sexual Harassment as a serious misconduct.
- C. Company does not encourage late sitting of women at Workplace, except in urgent circumstances and does not place them in isolated or dangerous locations.
- D. Company will assist the aggrieved women in cases of incident of Sexual Harassment by visitors or third parties.
- E. Basic psychological counselling will be provided to the victim or complainant, if required.
- F. Necessary facilities will be provided to POSH Committee for dealing with the complaint and conducting an inquiry in an independent manner and without any influence of the employer or any other senior officials.
- G. Company will report the number of cases filed, if any, and their disposal in the annual report.

1.10 Communication of Issues

- A. All queries regarding this policy for the prohibition, prevention and redressal of sexual harassment should be addressed to the members of the POSH Committee at the respective locations.
- B. Any non-compliance with the provisions of this policy for the prohibition, prevention and redressal of sexual harassment may be reported to the Executive Directors.

1.11 Amendments and Waiver

The Company reserves the right to amend and/or alter this policy for the prohibition, prevention and redressal of sexual harassment at any time.

1.12 List of Members of The POSH Committee

A. Internal Committee for locations other than Delhi and Bangalore

For any issues pertaining to locations other than Delhi and Bangalore, an email can be sent to POSH@eruditus.com or it can be sent via registered post addressing it to the Presiding Officer of the Internal Committee at 303, Inizio, Cardinal Gracious Road, Chakala, Andheri(East), Mumbai – 400099

Name	Role	Email id
Ms. Meenakshy Krishnan	Presiding Officer	meenakshy.krishnan@emeritus.org
Ms. Gurneet Kaur	Internal Member	gurneet.kaur@eruditus.com
Ms. Kruti Modi	Internal Member	kruti.modi@eruditus.com
Ms. Suchitra Thingalaya	Internal Member	suchitra.thingalaya@emeritus.org
Mr. Navin Nichani	Internal Member	navin.nichani@emeritus.org
Ms. Anita Mendonca	Internal Member	anita.mendonca@emeritus.org
Mr. Parag Zacharia	Internal Member	parag.zacharia@emeritus.org
Mr. Venkatachalam Iyer	Internal Member	venkatachalam.iyer@emeritus.org
Adv. Taru Gupta	External Member	advtarugupta@gmail.com

B. Internal Committee for Delhi

For any issues pertaining to Delhi, an email can be sent to POSH.Delhi@eruditus.com or it can be sent via registered post addressing it to the Presiding Officer of the Internal Committee at Regus Eversun Business Centre, Punj Essen House, 17-18 Nehru Place, New Delhi – 110019

Name	Role	Email id
Ms. Meenakshy Krishnan	Presiding Officer	meenakshy.krishnan@emeritus.org
Ms. Gurneet Kaur	Internal Member	gurneet.kaur@eruditus.com
Ms. Kruti Modi	Internal Member	kruti.modi@eruditus.com
Ms. Suchitra Thingalaya	Internal Member	suchitra.thingalaya@emeritus.org
Mr. Navin Nichani	Internal Member	navin.nichani@emeritus.org
Ms. Anita Mendonca	Internal Member	anita.mendonca@emeritus.org
Mr. Parag Zacharia	Internal Member	parag.zacharia@emeritus.org
Mr. Venkatachalam Iyer	Internal Member	venkatachalam.iyer@emeritus.org
Adv. Taru Gupta	External Member	advtarugupta@gmail.com

C. Internal Committee for Bangalore

For any issues pertaining to Bangalore, an email can be sent to POSH.Bangalore@eruditus.com or it can be sent via registered post addressing it to the Presiding Officer of the Internal Committee at 45/3, Ground Floor, Residency Road, Gopala Krishna Complex, Bengaluru – 560025

Name	Role	Email id
Ms. Meenakshy Krishnan	Presiding Officer	meenakshy.krishnan@emeritus.org
Ms. Gurneet Kaur	Internal Member	gurneet.kaur@eruditus.com
Ms. Kruti Modi	Internal Member	kruti.modi@eruditus.com
Ms. Suchitra Thingalaya	Internal Member	suchitra.thingalaya@emeritus.org
Mr. Navin Nichani	Internal Member	navin.nichani@emeritus.org
Ms. Anita Mendonca	Internal Member	anita.mendonca@emeritus.org
Mr. Parag Zacharia	Internal Member	parag.zacharia@emeritus.org
Mr. Venkatachalam Iyer	Internal Member	venkatachalam.iyer@emeritus.org
Adv. Taru Gupta	External Member	advtarugupta@gmail.com