



PREVENTION OF SEXUAL HARASSMENT POLICY (POSH POLICY)

Adopted by the Board of Investment Manager on:	22.03.2021
Amended by the Board of Investment Manager on:	NA

Prevention of Sexual Harassment Policy (POSH Policy)

1) **Policy:**

NHIIMPL strives to create and maintain a healthy, safe and productive work environment, free from discrimination and harassment. NHIIMPL is, therefore committed to create a healthy safe and conducive working environment that enables employees to work without fear of prejudice, gender bias and Sexual Harassment. Accordingly, this policy has been framed with the intention of preventing Sexual Harassment at workplace that includes prohibition and redressal of Sexual Harassment, should it occur.

2) **Scope and Effective Date**

All the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 which have come into force effective 9th December 2013, as amended from time to time shall be deemed to be incorporated into this Policy to be called as "Prevention of Sexual Harassment Policy" (POSH Policy). In case of any inconsistency between the Act / Rules and this policy, the provisions of the Act / Rules will prevail.

The policy shall come into force with immediate effect.

3) **Applicability of this Policy**

This policy extends to all employees of the company and is deemed to be incorporated in the service conditions of all employees and extends to all contract employees, retainers, trainees, apprentices, ad-hoc or daily wage basis, probationer, fixed time hires and third party personnel who work in the company premises including temporary employees.

4) **Objectives**

Sexual Harassment results in violation of Fundamental Rights of an individual to "Equality" under Article 14 & 15, "Right to life" and to live with dignity under Article 21 and "Right to practise" any profession or to carry on any occupation, trade or business' which includes a right to a safe environment free from Sexual Harassment guaranteed under the Constitution of India. The main objectives of the policy are:-

- (i) To provide protection against Sexual Harassment at workplace and for the prevention and redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.
- (ii) To create a healthy working environment for both genders by establishing guidelines to deter Sexual Harassment, define the mechanism for raising concerns, their investigation and action on the final findings.
- (iii) To set forth the expectations of good conduct and mutual respect at the workplace with a focus on prevention of Sexual Harassment.
- (iv) To provide a safe working environment at the workplace; this shall include safety from the persons coming into contact at workplace.

5) **Definitions**

5.1 Sexual Harassment

Sexual Harassment as per the definition of the Act is reproduced hereunder enabling the employees to understand what actions / incidences constitute and imply Sexual Harassment.

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely;

- (i) Physical contact and advances;
- (ii) A demand or request for sexual favours;
- (iii) Making sexually coloured remarks;
- (iv) Showing pornography;
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour may amount to Sexual Harassment:

- (i) Implied or explicit promise of preferential treatment in her employment; or
- (ii) Implied or explicit threat of detrimental treatment in her employment ; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) Humiliating treatment likely to affect her health or safety.

5.2 Aggrieved Individual

An Aggrieved Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

5.3 Complainant

A Complainant is any Individual who makes a complaint alleging Sexual Harassment under this policy (if aggrieved individual is unable to make a complaint on account of his / her physical or mental incapacity or death or otherwise).

5.4 Other Definitions

All other words which are not defined herein above shall have the meaning as defined in the Act and Rules.

6) **Redressal Mechanism**

6.1 Constitution of 'Internal Complaints Committee' (ICC)

As per the Act, every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee"; is also referred as "POSH Committee". All members of the Committee including the Chairperson shall be nominated by the Managing Director & CEO of the company in the following manner:

Designation in POSH Committee	Remarks
Presiding Officer	Should be a woman employed at a senior level
Member	NGO member or a person familiar with issues relating to Sexual Harassment
Member	May be nominated from offices / project sites
Member	
Member	

Note:

- (i) At least 50% should be women members
- (ii) Additional members can be co-opted to ensure that all the significant locations have representatives for ease of communication and raising concerns.
- (iii) Not less than three (3) members shall be present to form a quorum which shall include Chairperson and a lady member.
- (iv) The Presiding Officer and every member of the Committee shall hold office for a period not exceeding three (3) years from the date of nomination.
- (v) The change in the composition in the committee will be notified by CHRO from time to time.

6.2 Role of the ICC**6.2.1 Receipt of Complaint**

Any aggrieved individual may make a complaint in writing or by electronic mode within three (3) months from the date of last incident. In case, the individual on account of physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section. The ICC shall maintain a register to endorse the complaints received by it and keep the same confidential.

6.2.2 Redressal of Complaint

- (i) A copy of the complaint so received to be sent to the respondent by the ICC within seven (7) working days.
- (ii) The respondent shall file his reply within ten (10) working days from the date of receipt thereof. The ICC shall make inquiry in accordance with the principles of natural justice and may pass ex-parte order where complainant or respondent fails, without sufficient cause, to present herself / himself for three (3) consecutive hearings convened by the ICC by giving minimum of fifteen (15) days' time to attend the hearing. ICC may before enquiring, at the request of the aggrieved individual take steps to settle the matter between aggrieved individual and respondent through conciliation; only if agreed by the complainant, provided that no monetary settlement shall be made as a basis of conciliation.

- (iii) Where the parties are employees, they shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the ICC. As per the Act, for the purpose of inquiry, the ICC is vested with the powers of Civil Court per Code of Civil Procedure 1908.
- (iv) Pending the enquiry, the ICC may recommend to the employer to;
- (v) Transfer the aggrieved woman or the respondent to any other workplace; or
- (vi) Grant leave to the aggrieved woman up to a period of three months; or
- (vii) Grant such other relief to the aggrieved woman as may be prescribed.
- (viii) Where the ICC arrives at a 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 any action including a written apology, warning, withholding of promotion, withholding of pay-rise or increments, terminating the person who made false complaint from the service or undergoing a counselling session.
- (ix) The ICC shall complete the enquiry within a reasonable period but not beyond three (3) months and communicate its findings / recommendations for action to the Management (MD & CEO / CHRO / COO). The Sexual Harassment is misconduct and the Management may initiate action for such misconduct. The Management shall act upon the recommendation within sixty (60) days of receipt of findings / recommendations.
- (x) The implementation of the recommendations is the responsibility of CHRO. The noting of the case should go into the personal file against whom the concern is raised.

7) **Appeal**

In the event that any person is aggrieved of the recommendations made by the ICC or non-implementation of such recommendations, he/she may appeal to the appropriate authority, as specified by the law, within a period of ninety (90) days of the recommendations.

8) **Prohibition of Publication of Information**

The contents of the complaint, identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the employer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner: Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

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