

PoSH POLICY

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL)

1) THE POLICY STATEMENT

- a. TARC Group is committed to providing a safe working environment to all the Team members, free from discrimination on any ground and from harassment at workplace including sexual harassment. TARC Group will observe a zero-tolerance policy for any form of sexual harassment at workplace.
- b. TARC Group is working towards creating a healthy working environment that enables employees to work without fear or prejudice, gender bias and a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.
- c. The Supreme Court of India has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. This policy takes complete cognizance of the latest legislation by the Government of India “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and its rules notification published on 9th December, 2013. This Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto. Our organisation has authorized the Internal Committee, constituted under the said act, to take cognizance of sexual harassment complaints irrespective of the gender of the complainant, therefore this policy stands to be gender neutral and applicable to all the individuals falling under the definition of ‘employee’ under this policy.
- d. At TARC Group, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to:
 - i. Treat each other with dignity and respect
 - ii. Follow the letter and spirit of law
 - iii. Refrain from any unwelcome behaviour that has sexual connotation (of sexual nature)
 - iv. Refrain from creating hostile atmosphere at workplace via sexual harassment
 - v. Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.
 - vi. Treat all incidents seriously and promptly investigate all allegations of sexual harassment.

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- e. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

2) APPLICABILITY OF THE POLICY

- a. The policy pertaining to Prevention of Sexual Harassment is applicable to all employees of the company irrespective of their gender. This Policy extends to all employees or 'Team Members' of the Company and is deemed to be incorporated in the service conditions of all employees of the Company in India. This policy also extends to any person visiting the organisation which includes permanent, temporaries, trainees and employees on contract at its workplace or at client's sites This policy shall also extend to any applicants, candidates, customers, contractors, suppliers, clients, visitors, expats, etc.
- b. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates. Local laws of the country depending upon employee's nature of job shall take precedence over this policy, in other geographies, if applicable.
- c. The policy is in line with the provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as SHWWPPR Act) and rules framed there under from time to time.

3) DEFINITIONS/ ABBREVIATIONS

- a. **Aggrieved:** Refers to any 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 at the workplace.
- b. **Complainant:** A Complainant is any Aggrieved Individual (if the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- c. **Employee:** An Employee means a person employed with the Company for any work on permanent, deputation, temporary, consultants, part time, 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 co- worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- d. **Respondent:** The word respondent refers to a person against whom the complaint of sexual harassment has been lodged by the Complainant.

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- e. **Workplace:** The word workplace includes all offices of the Company in India. It also includes the following:
- i. Premises, locations, establishment, enterprises, institutions, offices, branches or units established, owned, controlled by the Company.
 - ii. Places visited by the Employee arising out of or during the course of employment including official events, transportation, Accommodation provided by the employer for undertaking such journey.

- f. **Sexual Harassment** - The definition of sexual harassment as defined in section 2 (n) of SHWWPPR Act is represented below:

Part 1: “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

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

- g. **Part 2:** The following circumstances, along with other circumstances, if it occurs, or is present, in relation to or connected with any act or behavior of sexual harassment will also amount to sexual harassment:

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

4) INTERNAL COMMITTEE (IC)

- a. The IC [hereinafter referred to as the committee] is a forum constituted by the Company and would be headed by a Senior Woman Team member who is on the roll of the Company and would be designated as the “Presiding Officer” of the Internal Committee (under policy of Sexual Harassment at workplace (Prevention, Prohibition and Redressal)) Act, 2013. The committee has been constituted by the company to consider and redress complaints of Sexual Harassment. The members of the committee could be changed for reasons related to discontinuance with the Company. The same shall be updated as and when the members leave and the new committee members are nominated.

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- b. Company will constitute one Complaint Committee in accordance with the above-mentioned act, comprising of the following members
 - i. **Presiding Officer:** A woman employed at a senior level in the organization or workplace;
 - ii. **Members:** At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge;
 - iii. **One External Member:** Amongst Non-Governmental Organizations or associations committed to cause a woman or a person familiar with the issues relating to sexual harassment-, familiar with the issues relating to sexual harassment.
- c. Note:- In case of misuse of the display or the contact details of the committee member a minimum fine of Rs. 500/- shall be imputed against the defaulter.

d. Constitution of IC:

The details of the members of the IC are given below:

- i. TBD (Presiding Officer – Ms. Nidhi Shukla)
- ii. TBD (Committee Member – Mr. Anil Mahindra)
- iii. TBD (Committee Member – Ms. Drishti Dua)
- iv. TBD (Committee Member – Mr. Lav Bisht)
- v. TBD (External Committee Member – Ms. Aditi Kaushal Bhardwaj)

5) TENURE OF IC

- a. Every member of the IC shall hold office for a period not exceeding three years, from the date of their nomination.

6) PROCEDURE FOR FILING A COMPLAINT

- a. In the event of occurrence of circumstances under this policy, the Complainant can lodge a complaint to the IC through an electronic mail/ Registered Post/ Hand Delivery. At the time of filing the complaint, Complainant shall submit to the IC supporting documents and names and addresses of witnesses, if any.
- b. The Complainant shall send a written complaint letter then she / he can send the same to the Presiding Officer/ any of the Committee Members at below mentioned address: **TARC Group | C3, Qutab Institutional Area, New Delhi – 110016**
- c. The complaint should be made by the Complainant within a period of three months from the date of occurrence of the incident and in case of a series of incidents, within a period of three months from the date of the last incident.
- d. The IC may, for the reasons to be recorded in writing, extend the time limit for making a complaint by three months, if they are satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.

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- e. **If the Aggrieved Individual is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:**
 - i. His/her relative or friend; or
 - ii. His/her 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 Individual
- f. **If the Aggrieved Individual is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by:**
 - i. His/her relative or friend; or
 - ii. A special educator; or
 - iii. A qualified psychiatrist or psychologist; or
 - iv. The guardian or authority under whose care he/she is receiving treatment or care; or
 - v. Any person who has knowledge of the incident jointly with the Aggrieved Individual's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care
- g. If the Aggrieved Individual for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with his/her written consent.
- h. If the Aggrieved Individual is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.
- i. The complaint can be submitted to any IC member. The IC may, but shall not be bound to accept oral or anonymous complaints under this Policy.
- j. The Complainant shall submit six copies of the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses.
- k. The Committee will maintain a record of the complaints received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- l. The Committee will hold a meeting with the Complainant within five days of receipt of the complaint, but no later than a week in any case.
- m. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

7) PROCESS TO BE FOLLOWED BY THE IC ON THE RECEIPT OF COMPLAINT

- a. At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his/her complaint.

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- b. Thereafter, a copy of complaint with supporting documents shall be sent to the Respondent along with the framed charges for submission of their written reply within 10 days of receipt of the copy of complaint.
- c. The reply submitted by the Respondent shall be submitted to the Complainant for their perusal and satisfaction. At the Complainant's behest, the IC then shall proceed with conciliation.

8) CONCILIATION PROCEDURE

- a. Before initiating an enquiry and at request of the aggrieved/complainant, the matter shall be listed for conciliation through the process of settlement. The internal committee shall initiate the proceedings to settle the matter amicably.
- b. The proceedings shall be recorded in writing. No settlement for monetary composition shall be executed. A copy of such settlement shall be provided to the management and the parties concerned.
- c. The proceedings shall be made subject to principle of natural justice and opportunity of being heard shall be given to the Respondent.
- d. In case no settlement is executed or the settlement executed in conciliation is not complied with, then the matter shall be processed through investigation and enquiry by the Committee.

9) ENQUIRY PROCESS:

- a. The IC initiates inquiry in the following cases:
 - i. No conciliation is requested by Aggrieved/Complainant;
 - ii. Conciliation has not resulted in any settlement;
 - iii. Complainant informs the IC that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent.
- b. The IC may proceed to make an inquiry into the complaint upon receipt of the original complaint/ closure of conciliation/ failure of conciliation/ repeat complaint, as deemed fit by the IC.
- c. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him/her to submit their explanation, statement, evidences and list of witnesses.
- d. The Committee shall make inquiry into the complaint in accordance with the principles of natural justice and the Committee shall provide every reasonable opportunity to the Complainant and to the Respondent, for putting forward and defending their respective case.
- e. If the Complainant or the Respondent desire to tender any documents by way of evidence before the Committee, she/he shall supply original copies of such documents. The parties shall affix his/her signature on the respective documents to certify these to be original copies.

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- f. The Committee shall call upon all witnesses mentioned by both the parties.
- g. No legal practitioner can represent any party at any stage of the inquiry procedure.
- h. The committee shall conduct all the enquiry outside the company premises and the proceedings shall be conducted in camera. In case the proceedings are conducted on digital platforms the same shall also be recorded. The presiding officer of the committee shall be the custodial of the recordings which can be investigated only after a request in writing by any party. The Presiding officer shall ensure all norms to ensure confidentiality of the said proceedings.
- i. If the Complainant or Respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.
- j. 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.
- k. In conducting the inquiry, a minimum quorum of Committee members including the Presiding Officer and External Member shall be present.
- l. If the Complainant or the person against whom complaint is made desires any witness/es to be called during the proceedings, they shall communicate in writing to the Committee the names of witness/es that they propose to call during the hearings as witness to their claims.
- m. The Committee shall complete the “Enquiry” within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the management within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties. The report of the committee shall be treated as a fact-finding/enquiry report on the basis of which an erring Employee shall be awarded appropriate punishment straightaway.
- n. The management will direct appropriate action or punishment in accordance with the recommendation proposed by the Committee or as they deem fit as per the code of conduct or terms of appointment letter of the guilty and the quantum of offence.
- o. The Committee shall be governed by such rules as may be framed by the Supreme Court or any other legislation enacted later on.

10) TERMINATION OF INQUIRY

- a. IC shall terminate the inquiry or pass an ex-parte order, 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.

11) ACTION TO BE TAKEN AFTER INQUIRY

- a. Post the inquiry the IC 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 recorded accurately.

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b. If the complaint is unsubstantiated:

- i. Where the IC 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 IC ensures that both parties understand that the matter has been fully investigated, and that the matter is now concluded. and neither will be disadvantaged within the company.

c. If the complaint is substantiated:

- i. Where the IC 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 appointment letter of the perpetrator or applicable service rules, code of conduct, code of ethics, or any other policies, and the punitive action may include:
 - Counseling;
 - Censure or reprimand;
 - Apology to be tendered
 - Written warning;
 - Withholding promotion and/or increments;
 - Suspension;
 - Termination;
 - Or any other action that the Management may deem fit.
 - The employer at TARC acts upon the recommendations within 60 days and confirm to the IC.

d. If the complaint or evidence is found to be malicious

- i. Where the IC arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved or any other person making the complaint has made the complaint knowing it to be false or the aggrieved or any other party has produced any forged or misleading document, it may recommend to the employer to take action against the Aggrieved or such party.
- ii. The action recommended should be similar to the ones proposed for the Respondent in case of substantiated complaints.
- iii. While deciding malicious intent, the IC should consider that mere inability to substantiate a complaint need not mean malicious
- iv. Were the IC arriving at the conclusion that during the inquiry that any witness has given false evidence or produced any forged or misleading documents, it may recommend to the Disciplinary Authority to take suitable action.

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12) OTHER POINTS TO BE CONSIDERED

- a. Management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- b. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the aggrieved person in terms of support and preventive action.
- c. The Committee shall submit an annual report on status of all complaints of this nature including efforts done in regards to PoSH at workplace at the end of the year for submission to management and the District Officer.
- d. In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.

13) APPEAL

- a. Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority - court or tribunal in accordance with the Act and rules, within 90 days of the recommendations being communicated.

14) MISCELLANEOUS GUIDELINES

- a. Records and documents on sexual harassment shall be stored by the Presiding Officer of the committee, and ensuring limited access and confidentiality.
- b. The IC will ensure that statutory returns/ obligations as defined under the Act is filed/ met within stipulated timelines.

15) RESPONSIBILITIES OF INTERNAL COMMITTEE (IC)

- a. Investigating every formal written complaint of sexual harassment.
- b. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- c. Discouraging and preventing employment-related sexual harassment
- d. On the request of the aggrieved, the IC can take steps for settlement; however no monetary settlement shall be made as the basis of conciliation.
- e. The Internal Committee shall provide the copies of the recorded settlement to the aggrieved and the respondent.
- f. In case the aggrieved/respondent does not abide to the recorded settlement; the IC reserves its rights to adopt appropriate actions.
- g. All the parties shall be given an opportunity of being heard.
- h. Handling complaints of sexual harassment at the workplace.

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- i. Initiating and conducting inquiry as per the established procedure.
- j. Submitting findings and recommendations of inquiries.
- k. Coordinating with the employer in implementing appropriate action.
- l. Maintaining strict confidentiality throughout the process as per established guidelines.
- m. Submitting annual reports in the prescribed format.

16) POWERS AND DUTIES OF INTERNAL COMMITTEE (IC)

- a. For the purpose of making an enquiry, the Committee has the following powers: -
- b. To process individual grievances concerning sexual harassment in the workplace.
- c. Summon and enforce the attendance of any person and examine her/him on oath.
- d. Requiring the discovery and production of documents.
- e. Transfer the aggrieved employee or the respondent to any other workplace.
- f. Grant leave to the aggrieved employee up to a period 3 months.
- g. The Internal Committee, in each calendar year shall prepare an annual report and submit the same to the employer and the district officer.

17) PREVENTIVE STEPS:

POSH Committee shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:

- a. Circulation of the policy in English / Vernacular in Office / Plant / Works locations on Sexual harassment to all direct / indirect employees.
- b. Sexual harassment will be affirmatively discussed at meetings, workshops etc.
- c. Conduct regular in-house training or provide awareness sessions to the new joiners during the Orientation program on sexual harassment.
- d. Guidelines will be prominently displayed to create awareness of the rights of employees.
- e. A commitment is required from all the levels of the organization for the positive implementation of the policies and procedures made against sexual harassment.
- f. Widely publicize that the Sexual Harassment is a crime & will not be tolerated.
- g. Names and contact numbers of members of the POSH committee will be prominently displayed in all the Offices.

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18) GUIDELINES FOR COMPLAINT HANDLING

- a. No person who is a complainant, witness, or defendant in the complaint of gross misconduct or sexual harassment shall be a member of the Committee.
- b. Any anonymous complaints, on grounds of difficulty of establishment of facts, are not covered.
- c. The Committee shall enquire into the complaint of sexual harassment by following procedures in conformity with the principles of natural justice and gender sensitivity.
- d. The consequences/penalty that can be imposed if the policy is breached.

19) CONFIDENTIALITY

- a. The Company understands that it is difficult for the victim to come forward with the complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.
- b. To protect the interests of the Aggrieved, the Complainant, the Respondent person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

20) PROTECTION TO COMPLAINANT/VICTIM:

- a. The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.
- b. The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- c. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.
- d. In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/discrimination and where every employee is treated with dignity and respect.

21) INTERPRETATION

- a. On any occasion or any doubt, differences or dispute in respect of proper interpretation of any terms, condition or clause hereof, the resolution of dispute or the interpretation of such clause given by the Management shall always be final and binding between the parties. The Company reserves the right to review and revise this policy at any point of time. This policy shall supersede any other previous policies/communications on the subject.

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- b. Nothing contained in this policy shall prejudice any right available to the aggrieved employee from seeking any legal remedy under the National Commission of Women Act, 1990, Protection of Human Rights Commission Act, 1993 or under Indian Penal Code and or any other rule for the time being in the force.

22) DISCLAIMER

- a. This document is the sole property of the Company and may not be copied, used or disclosed for any purposes except as authorized in writing by the Company. The provision of the said policy shall prevail in case of any inconsistency arise with policy terms.

23) DEVIATIONS

- a. Any deviations to this policy require approval from the Managing Director.
- b. Management reserves the right to modify or terminate this policy without prior notice.

24) CONCLUSION

- a. At the company, it has been the constant effort of all the employees in creating conducive work environment where the relationship between male and female employees is extremely cordial. However, the objective of this policy is to create awareness amongst the employees. There has also been alteration in statute and therefore it would be the responsibility of HR team and Department heads to provide awareness program to the new joiners or conduct regular sessions/training programs on such important issue and create an excellent, comfortable work environment for the employees.

For TARC Limited



(Managing Director & CEO)