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**POLICY ON PREVENTION OF SEXUAL HARASSMENT  
(POSH POLICY)**

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(HELPAGE FINLEASE LIMITED)

CIN: L51909DL1982PLC014434

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## 1. Purpose

**Helpage Finlease limited** (hereinafter referred to Company/Employer) is committed to being an equal opportunity employer. Its endeavor is to provide a safe, positive, secure, happy workplace environment in which the employees can realize their maximum potential. The employer strives to ensure that all employees are treated with dignity and respect. The employer is committed towards making efforts to maintain a workplace with physical and mental comfort free of prejudice and bias based on sex, gender, race, caste, culture, nationality etc. This policy is formulated for the purpose of prevention and prohibition of sexual harassment at the workplace and in the event of complaint(s) of sexual harassment their redressal in accordance with law.

## 2. Objective

- This policy has been framed with a view to: -
  - a) Promote a workplace based on equality & respect.
  - b) Provide a safe and congenial work environment.
  - c) Create awareness and sensitize about sexual harassment at the workplace.
  - d) Define the implications and outcome of sexual harassment.
  - e) Prevent sexual harassment.
  - f) Provide formal and informal mechanism for redressal in case of a complaint of sexual harassment at the workplace.
  - g) Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.
- Company will not tolerate any form of sexual harassment and therefore any act of sexual harassment or related retaliation against any behavior of its Employees, candidates, customers, contractors, suppliers or clients or vice versa which constitute or cause sexual harassment shall amount to violation of this Policy entailing consequences as stipulated hereunder.
- Company reserves the right to modify, amend this Policy or any part of it. The updated Policy will at all times be notified on the Conspicuous Places.

## 3. Definition

- **Employer** – The person responsible for the management, supervision and control of the workplace and for discharging contractual obligations with respect to his/her employees.
- **Employee** - This Policy applies to all categories of Company employees whether full time, part time / permanent, ad hoc / daily wager / temporary, trainees and employees on contract at their workplace or at client sites (hereinafter collectively referred to as the employee or employees).
- **Others** - The Policy will also be applicable to the Company clients, suppliers or any other business associates and Company will not tolerate sexual harassment, if engaged in by them. It is also clarified that the Policy is applicable to all sexes /genders, i.e. male, female and transgender.

• **Workplace** - Workplace means and includes the office and factory space premises where Company business is conducted and also includes: -

- a) All work-related activities including conferences, seminars and meetings held at any other site away from the office premises.
- b) Any social, business or other functions where the conduct or comments of employees or Company contractors, vendors, consultants, business associates may have an adverse impact on the workplace or workplace relations of employees inter se or with others.
- c) All travel undertaken for official purposes including travel to and from the workplace. Social events which are not organized by Company are excluded from the ambit of the Policy. However, all employees are expected to maintain an appropriate standard of behavior and behave in a decent, cordial and courteous manner at all times.

In case, employee(s) sexually harass a colleague outside work hours at such events, then action under this Policy will be taken through disciplinary proceedings against such concerned individuals including but not limited to instances, where: -

- a) The reputation of Company is at stake.
- b) Such conduct can create a hostile or intimidating environment at the workplace.
- c) Such conduct can have an adverse effect on a person's ability to perform properly their duties of employment.
- d) At such events if harassment is caused to an employee by third party vendors, consultants, contractors, clients etc. the Employer may assist the employee if he/ she chooses to lodge a complaint / pursue other legal proceedings.

- **IC**– means an Internal Complaints Committee as formed under section 4 of the act.
- **Complainant** – Any person, whether or not an employee who files a complaint of sexual harassment at the workplace

#### 4. **Sexual Harassment**

a) Sexual Harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal, non-verbal or physical unwelcome conduct of sexual nature. It includes *inter alia*, any activity which makes the recipient feel threatened, humiliated, or patronized, or which creates an intimidating environment.

b) Sexual Harassment at the workplace includes:

- Unwelcome sexual contact or physical contact and advances, (verbal, non-verbal, written or physical),
  - Demand or request for sexual favors,
  - Making sexually colored remarks,
  - Showing pornography
  - Any other type of unwelcome verbal, non-verbal, written or physical conduct of sexual nature.
- Non-verbal conduct or Verbal abuse or 'making jokes' of sexual nature.

- Word, gesture or act intended to insult the modesty of an employee.

c) No employee shall be subjected to sexual harassment at any workplace. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment as defined supra may amount to sexual harassment:

- (i) Implied or explicit promise of preferential treatment in his/her employment; or
- (ii) Implied or explicit threat of detrimental treatment in his/her employment; or
- (iii) Implied or explicit threat about his/her present or future employment status; or
- (iv) Interference with his/her work or creating an intimidating or offensive or hostile work environment for him/her; or
- (v) Humiliating treatment likely to affect his/her health or safety; or
- (vi) Any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

d) Sexual Harassment may include: -

- Suggesting that a condition of employment, such as hiring, firing, promotion, performance appraisal, payment of performance linked incentive or bonus, would be based on the employee's agreement to perform sexual favors. It may in the form of a direct threat or merely implied conveying to the employee that negative consequences will follow if the employee does not cooperate with the request. This may emanate from a manager / senior /colleague or vendor/ customer/ potential customer asking for / giving such favors.
- Touching, assaulting, causing injury, isolation, impeding/blocking movement, leaning over or across, close physical proximity while standing or sitting, stalking, making sounds which have explicit and/or implicit sexual connotation / overtone, molestation.
- Sexually-oriented questions jokes and innuendoes, 'colorful' language, comments about one's body or clothes, conversations with double meanings and sexual innuendoes, marring personal/professional reputation through rumors/ gossip/ ridicule, persistent invitations.
- Sexually colored remarks including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, emails, gestures.
- Staring at a person or parts of his / her body, suggestive body movements and gestures.
- Displaying sexually explicit pictures or objects which embarrass or humiliate employees in a work area, offensive phone calls/ text messages / MMS / letters / emails etc.
- Verbal and non-verbal communication which offends the individual's sensibilities and affects his/her performance and has a sexual connotation / overtone / nature.

## **5 The Applicable Law**

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the ‘SH Act’) mandates that all Employers will maintain a workplace free of sexual harassment of women employees and prohibits sexual harassment at the workplace and provides for redressal of complaints of female employees.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the ‘SH Rules’) are drafted under the SH Act. The section(s) and Rule(s) stated herein are from the SH Act and SH Rules respectively.
- The SH Act and SH Rules are applicable to complaints of sexual harassment at the workplace lodged by female employees.
- This Policy is made gender neutral with a view to provide equal protection from sexual harassment at the workplace to the female, male and transgender employees alike.
- With regard to the complaints of sexual harassment at the workplace lodged by male and/or transgender employees, the provisions of this Policy will be applicable.
- With regard to allegations of sexual harassment by third party, vendors, consultants, contractors, clients, customers etc., against Company employees whether or not at the workplace or at Company sponsored events Company will initiate appropriate disciplinary proceedings as in the case of any other misconduct.
- It is important to understand that perception takes precedence over the intent. Even though the intent of certain conduct may not be to cause sexual harassment and create a hostile work environment, the conduct may still constitute sexual harassment based on how the same is perceived by recipient who is (are) person(s) covered by this policy.

## **6 Obligations of Employees**

- All Company employees shall ensure that their behavior is not violative of this Policy. All employees will strive towards the maintenance of a friendly, congenial, welcoming work environment free from all kinds of sexual harassment and/or related retaliation. All employees should know and understand the laws and Company policy.
- All senior employees should monitor their respective work area and regularly counsel and educate their team members to create awareness and gender sensitivity.
- Employees should contact any of the IC members when they are made aware of any conduct that could possibly be considered sexual harassment.
- All employees and IC members are under an obligation to maintain confidentiality of any alleged incident of sexual harassment.

## **7 Duties and Responsibilities of Company**

- Company must provide a safe, friendly and productive work environment which shall include safety from the persons coming into contact at the workplace.
- In the event of a complaint of sexual harassment at the workplace Company’s obligations under the SH Act and Rules have been stated in detail in **SCHEDULE – I** hereto which shall be deemed to be incorporated in and form a part of the instant Policy.

## **8 Internal committee**

- In accordance with the requirements of the Act Company shall constitute an Internal Complaints Committee (IC), for inquiry into and redressal of sexual harassment Complaints.
  - The Presiding Officer of the IC should be a woman employed at a senior level at the workplace. In case a senior level woman employee is not available, the Presiding Officer shall be appointed from a sister organization/Parent Company.
  - Not less than two members from amongst Employees preferably committed to the cause of women or who have had experience in social work or legal knowledge.
  - One member from NGO/associations committed to the cause of women and familiar with issues related to sexual harassment. She/he should be paid fees/allowances as decided by the Company for holding the proceedings of the IC.
  - At least 50% of the members of the IC should be women
- . Each unit has to make their own committee as stated above and section 4 of the Act.
- The members of the IC shall not hold office for a period exceeding three years from the date of their appointment. However, the employer may at its discretion choose to reconstitute the IC at any time prior to the expiry of such term.
  - The composition and working of the committee shall be strictly governed by the provisions of the sexual harassment Act.

## **9 The Duties, Roles and Responsibilities of the IC**

- The obligations of the IC include, *inter alia*:-
  - a) To receive the Complaints of sexual harassment and in this regard, if required, it will be in accordance with the SH Act and Rules, extend the time for the Complainant to file the Complaint as well as provide assistance to the Complainant to file the Complaint in writing.
  - b) If requested by the Complainant, before initiating an inquiry under the SH Act and Rules, take steps to have the matter settled by way of conciliation.
  - c) If the Respondent is an Employee, to conduct the inquiry in accordance with the provisions of Law prescribed under the SH Act and Rules read with the service rule of the company.
  - d) To exercise the powers of a civil court, while making an inquiry into the Complaints.
  - e) In the event of a request by the Complainant (if he/she is an employee), to provide interim relief during the pendency of the inquiry proceedings, to make appropriate recommendations to the Employer in accordance with the SH Act and Rules.
  - f) To conduct the inquiry in accordance with the principles of natural justice.
  - g) In the event the IC arrives at the conclusion that the allegations of sexual harassment are malicious and the Complainant has made the same knowing him/her to be false and misleading, to make appropriate recommendation to the Employer to take appropriate action against the Complainant as prescribed under the SH Act and Rules.
  - h) To comply with all other obligations as provided under the SH Act and Rules.

## **10 Informal Redressal of Complaints**

- Any employee who has a Complaint / grievance of sexual harassment may exercise the option to, in the first instance, use the Informal Resolution Process. The Complainant may as per his/her complaint opt to raise the issue regarding the unwelcome/ offending behaviour.

- (a) either directly with the concerned offending individual / group of people or;

- (b) through the concerned employee's superior / manager;

- (c) through the concerned Human Resources Official mentioned for this process.

In the event, the employee is not satisfied with the outcome of the informal resolution process and/or it could not be concluded, the employee may file a complaint of sexual harassment.

## **11 Complaint Mechanism**

- Any employee with a harassment concern, who has either exhausted and/or is not satisfied with the result of the Informal Resolution Process and/or decides to not proceed with the Informal Resolution Process, may file a formal Complaint to the IC or its Presiding Officer or any Member.

- The Complaint shall have to be in writing and submitted in a sealed envelope within three (3) months from the date of occurrence of the alleged incident or in case of a series of incident(s) within 3 months from the date of the last alleged incident. Alternately, the employee can send the Complaint through an email to the members of the IC.

- The Employee is required to disclose his/her name, department, division and location where the concerned employee is working in, to enable the Member of the IC to contact and take the matter forward.

- The Complainant shall file with the Complaint, all documents in support thereof and a list containing names and addresses of the Witnesses if any.

- Company is committed to providing a supportive environment to resolve concerns of sexual harassment. So, before starting the formal Inquiry and Investigation Proceedings, the option of Conciliation can be explored as under:

- a) At the request of the Complainant, before initiating an inquiry, the IC may take steps to settle the matter between the Complainant and the Respondent through conciliation.

- b) No monetary settlement shall be made as a basis of conciliation.

- c) The settlement so arrived at shall be recorded and forwarded to the Employer.

- d) Copies of the settlement shall be provided to the Complainant and the Respondent by the IC.

- e) When settlement is arrived at between the parties, no further inquiry shall be conducted by the IC.

- In the event, the IC is informed by the Complainant that the Respondent has not complied with any term or condition of the conciliation arrived at as per Section 10 of the SH Act, the IC shall inquire into the Complaint.

- In the event, the Respondent is an employee, the IC shall inquire into the allegations in accordance with the service rules, if any, else as prescribed under the SH Act and Rules.

- The Respondent shall be given an opportunity to file his/her reply, together with any supporting documents and a list containing names and addresses of the Witnesses.

- In the case where both the Parties are employees, the parties shall during the course of the inquiry, be given an opportunity of being heard and a copy of the findings shall be made available



to them to enable them to make a representation against the findings of IC.

- The Internal committee shall conduct such investigations in a timely manner and endeavour to conclude the same within 90 days from the date of starting the inquiry.

## **11 Complaints of sexual harassment by Third Party**

- If the allegation is made by a **Third Party** against an employee and a Complaint is received by the Company the concerned IC will record the reply/answer given by the concerned employee to the allegations, and if the alleged conduct constitutes misconduct, either under the relevant Policy of Company or the terms of appointment of the employee, Company may, if deemed appropriate initiate action for misconduct against the said employee.

## **12 Interim Relief**

Upon the Complainant's request for interim relief during the pendency of the inquiry, the IC may make an appropriate recommendation to the Employer, as the case may be, to :

- a) Transfer the Complainant or the Respondent to any other workplace / workstation;
- b) Grant leave to the Complainant up to a period of 3 months;
- c) Restrain the Respondent from reporting on the work performance of the Complainant or writing his/her confidential report, and assign the same to another Officer;
- d) Grant any other relief as prescribed under the SH Act and Rules.

## **13 Inquiry Report and Recommendations of the IC**

- Upon completion of the inquiry the IC shall;
  - a) Within 10 days from completion of the inquiry provide to the Employer a report of its findings.
  - b) Provide to the concerned parties such report.
- When the IC concludes that the allegations have not been proved, it shall recommend to the Employer that no action is required to be taken in the matter;
- In the case where allegations against the Respondent are held to have been proved,
  - (a) the IC shall make recommendations to the Employer to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent and in case no such service rules have been made, in such manner as may be prescribed.
  - (b) The corrective action to be recommended by the IC may in accordance with the severity of the allegations in the Complaint include any of the following:
    - i. Formal Apology;
    - ii. Counseling;
    - iii. Written Warning to the Respondent and a copy of it maintained in the Respondent's file.
    - iv. Change of work assignment / transfer either the Respondent or the Complainant.
    - v. Suspension or termination of services of the employee found guilty of the offence.
    - vi. Deduction from Salary / Wages.
    - vii. Stopping all dealings with and/or blacklisting a vendor, client etc. and informing the Employer.
    - viii. Any other remedial action that the IC thinks befitting.
  - (c ) Notwithstanding anything in the service rules applicable to the Respondent (if he is an

employee), to deduct from the salary or wages of the Respondent, such sum as it may consider appropriate to be paid to the Complainant or her legal heirs as may be determined by the IC.  
(d) to act upon the recommendations within sixty (60) days of its receipt.

#### **14 Punishment for False / Malicious Complaints and False Testimony and Evidence**

- **False Complaint:**

- a) While sexual harassment complaints made by the employees shall be taken up with utmost seriousness by Company however Company follows a zero-tolerance policy for any false accusation(s).
- b) In the event that the IC concludes that the allegation was made with malicious intent or the aggrieved person or any other person making the Complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the IC may recommend to take action against the Complainant or the person who has made the Complaint on behalf of the Complainant knowing it to be false.
- c) A mere inability to substantiate a Complaint or provide adequate proof would not, prima facie be treated as a false complaint.
- d) IC will conduct an inquiry against the Complainant and such other person who made the Complaint knowing it to be false. And if such malicious intent is established, then suitable action will be taken against the Complainant and such other person(s) referred supra.
- e) In such a case the action to be taken against the Complainant or the person who has made the Complaint on behalf of the Complainant, and/or deposed falsely as a witness will be as per the disciplinary process applicable in the case of a misconduct, or where no such rules exist, in accordance with the SH Act and Rules.
- f) It is to be noted that this statement is not intended to discourage employees from coming forward with any Complaints. recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of Complaints will not, per se, be considered to be false accusations.

- **False Testimony:**

In the event, the IC concludes that during the inquiry any witness has given false evidence or produced forged or misleading documents, the IC may recommend to the Employer of the witness to take action in accordance with the services rules applicable to the witness or where no service rules exist, in such manner as prescribed under the SH Act and Rules.

#### **15 Compensation**

In the event, the allegations of sexual harassment are established the amount to be deducted by the Employer to be paid as compensation to the Complainant, shall be determined with due regard to:

- a) The mental trauma, pain, suffering and emotional distress caused to the Complainant;
- b) The loss in the career opportunity due to the incident of sexual harassment;
- c) Medical expenses incurred by the Complainant for physical or psychiatric treatment;

- d) The income and financial status of the Respondent;
- e) Feasibility of such payment in lump sum or in installments.

## **16 Confidentiality**

- Company understands that it is difficult for the victim to come forward with a Complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.
- Throughout the Inquiry Proceedings to the extent practicable and appropriate under the circumstances, confidentiality will be maintained with regard to the names, addresses and personal information of the Complainant, others who may report incidents of sexual harassment, witnesses and the Respondent.
- **Access to Reports and Documents:** All records of Complaints, including proceedings of meetings, results of investigations and other relevant material will be kept confidential except where disclosure is required under disciplinary or other remedial processes.
- **Penalty for breach of Confidentiality:** Any person entrusted with the duty to handle or deal with the Complaint, inquiry or recommendations or action to be taken under the SH Act and Rules, who violates the obligation to maintain confidentiality shall be liable for penalty in accordance with service rules applicable to the said person and in the absence of service rules, as prescribed under the SH Act and Rules.

## **17 Protection to the Complainants / Witnesses**

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. Company will ensure that the Complainant and Witnesses do not suffer retaliation or victimization or discrimination while dealing with Complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

In the event the Respondent indulges in any victimization or discrimination against the Complainant and/or the Witnesses, they will inform the IC. The IC will recommend to the Employer to take appropriate disciplinary action against such Respondent.

## **18 Appeal**

- Any person aggrieved with the findings and recommendations of the IC under "13, 14 and 16" hereinabove, and/or the non-implementation of such recommendations, may prefer an Appeal to the Court or Tribunal in accordance with the applicable provisions of the SH Act.
- The findings of the above referred Appellate Forum shall be final and binding on the Complainant, Respondent and The Employer.

## **19 Training and Development**

- The members of the Senior Management, concerned HR officers, nominated members of the IC are required to attend executive briefings on their legal duties and responsibilities and training on how to handle allegations of sexual harassment brought to their attention, either as part of the

Informal Resolution Process or as part of the Formal Complaint Mechanism.

- All employees will mandatorily participate in programmed undertaken by Company with an objective to promote gender sensitization and to create awareness with regard to this Policy. Employees will be encouraged to ask questions and to seek clarification on any aspect of the policy which is not clear.
- A copy of this Policy shall be displayed in conspicuous places for all existing and future employees and they shall mandatorily be required to sign an undertaking acknowledging that they have read, understood and shall abide by rules contained in this Policy.

## **20 Company Commitments**

In conclusion, 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 Modifications**

This policy will be periodically reviewed and is subject to alteration / amendment / rescind / modification of the clauses of this policy as and when it finds it necessary to do so as long as it complies with the Act. Any amendment or waiver of any provision of this Code must be recommended by the IC and duly approved in writing by the Management.

## **22 Conclusion**

At Company, we Endeavor to provide conducive and healthy work environment where the relationship amongst the employees are cordial and supporting in all aspects, so that each employee has an enriching experience. With this policy Company is determined to provide its employees excellent, comfortable, safe and healthy work environment, so that they can come out with their best in all facets.

## SCHEDULE – I

### ***Duties and Responsibilities of the Employer / Company***

- a) The Employer must provide a safe, friendly and productive work environment which shall include safety from the persons coming into contact at the workplace. (Section 19)
- b) The Employer must also ensure that every Employee is treated with dignity and respect and afforded equitable treatment.
- c) The Employer must organize workshops and awareness programmed at regular intervals for sensitizing the employees with the provisions of the SH Act and Rules and orientation programmed for the members of the IC in the manner as prescribed under Rule 13 of the SH Rules.
- d) The Employer must make the policy and provisions for giving effect to the SH Act and Rules.
- e) The Employer must display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting, the IC under subsection (I) of section 4.
- f) The Employer must, by an Order in writing, constitute the IC and nominate it's members. A separate IC must be constituted for each administrative unit / office. (Section 4)
- g) In case, the establishment does not have appropriate number of employees (10) to constitute the IC, then the Employer must send the Complaint to the concerned Local Committee. (Section 6)
- h) The Employer must ensure that the members of the IC do not hold office for a period exceeding three years from the date of their nomination. However, the Employer may at its discretion choose to reconstitute the IC at any time prior to the expiry of such term. (Section 4(3))
- i) In case of contravention of Section 16 of the SH Act by any member of the IC, and/or occurrence of any other scenario as listed under Section 4(5) of the SH Act, the Employer must remove such member from the IC and fill the vacancy by way of fresh nomination. (Section 4(5))
- j) The Employer must provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry.
- k) On receiving a recommendation of interim relief from the IC or Local Complaints Committee (LC) during the pendency of the Inquiry, the Employer must implement such recommendation and send a report to the IC / LC. (Section 12(3) and Rule 8)
- l) The Employer must assist in securing the attendance of the Respondent and Witnesses before the IC or the LC, as the case may be.
- m) The Employer must make available such information to the IC or the LC, as the case may be, as it may require having regard to the complaint made under sub-section (1) of Section 9.
- n) The Employer must provide assistance to the Complainant if he/she so 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.
- o) The Employer must cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the Respondent, or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of sexual harassment took place.
- p) The Employer shall act upon the recommendations of the IC within sixty (60) days of it's receipt. (Section 13(4))
- q) The Employer must treat sexual harassment as an incident of misconduct under the service rules and initiate action for such misconduct.

- r) The Employer must monitor the timely submission of reports by the IC.
- s) The Employer must ensure that the IC prepares an Annual Report and submits the same to the Employer and the District Officer as prescribed under the SH Act. (Section 21 and 22 of the SH Act along with Rule 14 of the SH Rules)
- t) The Employer must produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection. (Section 25 (2))
- u) The Employer shall be responsible for the payment of allowances to the External Member of the IC as referred to in Rule 3(1) of the SH Rules.
- v) The Employer must comply with all the obligations as provided under the SH Act and Rules.

