

Prevention of Sexual Harassment (POSH) Policy

For India-Based Staff

Effective January 1, 2023



Prevention of Sexual Harassment Act

Sexual harassment at the workplace results in violation of the fundamental rights of a person

- To equality under Articles 14 or 15 of the Constitution of India
- To life and to live with dignity under Article 21 of the Constitution
- To practice any profession or to carry on any occupation, trade and business which includes a right to a safe environment free from sexual harassment

Advarra India Private Limited (hereinafter referred to as the “Organization”) believes that all its employees have a right to be treated with respect and dignity. The Organization is committed towards creating a healthy working environment that enables its employees to work without fear, prejudice, gender bias or sexual harassment.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the “Act”) & the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the “Rules”), the Organization has framed the following policy (the “Policy”) for prevention of sexual harassment at workplace.

1. Commitment:

- a. The Organization is committed towards providing a work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment. The Organization is also committed towards promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.
- b. The Organization will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment. This Policy seeks to provide awareness to all employees of the Organization on what acts constitute sexual harassment, the redressal mechanism in place and the penal consequences (both interim and final) imposed on perpetrators of sexual harassment.

2. Law:

The Act has been enacted and the Rules have been framed by the Central Government with an objective to provide protection against sexual harassment of women at the workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

3. Scope:

- a. This Policy applies to all categories of employees of the Organization, including permanent employees, permanent management, workmen, temporary employees, trainees, consultants, advisers, ad hoc employees, daily wage earners, probationers, apprentices, employees on contract, etc., at its workplace or at visits to partner organizations. The Policy is applicable to all categories of employees as stated above, irrespective of whether such persons have been engaged directly or through an agency or a contractor, and whether such employees are working for remuneration or on a voluntary basis.
- b. The Policy shall also be applicable to all third parties such as visitors, clients, customers, contractors, service providers, and any other person authorized to be present within the premises/ workplace of the Organization.
- c. The Organization will not tolerate sexual harassment, if engaged in by partners, or by suppliers or any other associates of the Organization. It shall extend to cover sexual harassment of women by men, of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behavior.



4. Definitions of Terms:

- a. "Complainant" means, in relation to a Workplace (as hereinafter defined), an aggrieved person, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent (as hereinafter defined);
- b. "Employees" means all employees of the Organization as set out in Clause 3.1 of this Policy and includes all categories of employees of the Organization either working part-time or full time and including but not limited to:
 - i. Permanent employees;
 - ii. Temporary employees;
 - iii. Trainees;
 - iv. Contract employees;
 - v. Consultants; and
 - vi. Advisers.
- c. "Employer" means and includes –
 - i. a Director of the Organization; and
 - ii. any person(s) or board or committee responsible for the formulation and administration of policies that enables management, supervision and control of the Workplace.
- d. "Internal Committee" (hereinafter referred to as the "IC") means the committee constituted by the Organization further to the Act and Rules to redress complaints of sexual harassment at the workplace. The IC is the sole inquiring authority into all complaints of sexual harassment at the workplace and a recommendatory body for disciplinary actions thereof based on the findings of the inquiries.
- e. "Member/s" means a Member/s of the Internal Committee;
- f. "Local Committee" or "LC" means a committee notified by the State Government for the purpose of dealing with matters in relation to sexual harassment in each and every district;
- g. "Respondent" means a person (Employee) against whom the Complainant has made a complaint of Sexual Harassment;
- h. "District Officer" means an officer notified under Section 5 of the Act.
- i. "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.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment, may amount to sexual harassment at the workplace:

- Implied or explicit promise of preferential treatment in the Complainant's employment; or
- Implied or explicit threat of detrimental treatment in the Complainant's employment; or
- Implied or explicit threat about the Complainant's present or future employment status; or



- Interference with the Complainant's work or creating an intimidating or offensive or hostile work environment for the Complainant; or
 - Humiliating treatment likely to affect the Complainant's health or safety.
- j. "Workplace" means and includes the offices of the Organization as well as the premises of other third parties, vendors and associates of the Organization where the Employees of the Organization are required to perform work or that are visited by the Employees of the Organization arising out of or during the course of employment and includes transportation provided by the Organization for undertaking any journey, in connection with the business of the Organization.
5. Constituents of Sexual Harassment:
- a. Conduct must be unwelcomed, unwanted, uninvited, unreasonable, and/or offensive to the Complainant which adversely affects the dignity of the Complainant.
 - b. Physical contact is not an essential factor for sexual harassment.
 - c. A person's rejection of or submission to such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job.
 - d. Conduct that creates an intimidating, hostile or humiliating working environment for the Complainant.
 - e. The act of Sexual Harassment must be related to employment or work. Hence, acts committed outside the office, for example in the cafeteria, on business travel in a flight or hotel, place of visit for official purpose such as client premises, offices, official events, etc. are covered. Additionally, acts that are committed during Work From Home arrangements that are authorized and/ or mandated by the Organization would fall within the ambit of sexual harassment at the workplace. "Work From Home" here refers to a situation wherein Employees are working from a remote location which is not the Organization's physical premises, client/ vendor premises, or any other location within the ambit of Clause 4(j) of this policy. Actions which take place in personal capacity will not be considered workplace concerns unless there is connection with the workplace by way of creation of a hostile work environment for the aggrieved person.
 - f. The Respondent can be whomsoever, provided the Organization has sufficient control over the said person and, without limitation, can be the victim's boss, supervisor, sub-ordinate, trainer, colleague, mentor, co-worker, vendor, contractor or agent of the Employer.
6. Exclusion:
It is to be noted that this Policy does not apply when the Complainant is performing work outside of Workplace, of their own accord and for personal reasons, and without the authorization of the Organization.
7. Third Party Harassment:
- a. Third party harassment means Sexual Harassment perpetrated by visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the Employees have come in contact, directly or indirectly, because of the Organization having a relationship/business relationship with them.
 - b. Where the Sexual Harassment at the Workplace occurs as a result of an act or omission by any third party, the Organization shall take all steps necessary and reasonable to assist the affected Employee in terms of support and preventive action.
8. Prevention of Sexual Harassment:



- a. The Organization will maintain a zero-tolerance policy as far as Sexual Harassment is concerned and as such the same is unacceptable and the Organization will strive through education and deterrence to create an environment that is free from Sexual Harassment.
- b. All Employees are expected to:
 - i. Treat others with respect and dignity.
 - ii. Refrain from actions that may offend, embarrass, or humiliate others (whether deliberate or unintentional).
 - iii. Let others know they don't approve of disrespectful or harassing behavior.
 - iv. Apologize if someone tells them they are offended by their words or actions; and
 - v. Familiarize themselves with this Policy.

9. Zero Tolerance to Retaliation:

If an Employee feels that he/she is experiencing any kind of retaliation, victimization, or discrimination in the nature of intimidation, pressure to withdraw the complaint or threats for reporting, testifying or otherwise participating in the proceedings, he/she should immediately report the matter by sending an email to the dedicated email id bangaloreposhic@advarra.com. All members of the IC are mapped to/ included in this email id. The Organization prohibits retaliation against anyone for raising a complaint or helping in addressing the complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination of services. Alleged retaliation or reprisals are subject to the same complaint procedures and disciplinary action as complaints of Sexual Harassment.

10. Internal Committee:

- a. The IC shall consist of the following Members namely: (a) a Presiding Officer who shall be a woman Employee at a senior level; (b) not less than two Members from amongst Employees who have had experience in social work or have legal knowledge; (c) 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. One half of the total Members so nominated shall be women. This Policy details the names and contact details of the members of the IC.
- b. The Presiding Officer and every Member of the IC shall hold office for a period not exceeding (3) three years from the date of nomination. The Member appointed from amongst the non-governmental organizations or association shall be paid such fees or allowance as prescribed under the Rules. IC shall send periodical reports to the Employer constituted under this Policy.
- c. The procedure as regards the IC shall be as contemplated under the provisions of the Act.

11. Complaint of Sexual Harassment:

- a. In the event the Complainant is unable to make a complaint on account of the Complainant's physical or mental incapacity or death or any other reason which prevents the Complainant from making a complaint, then the Complainant's legal heir or any other person as mentioned below may make the complaint on the Complainant's behalf under the Policy:
 - i. In the event the Complainant is unable to make the complaint on account of the Complainant's physical incapacity, the complaint may be filed by:
 - the Complainant's relative or friend.
 - the Complainant's co-worker.
 - an officer of the National Commission for Women or State Women's Commission (in case the Complainant is a woman); or
 - any person who has knowledge of the incident, with the written consent of the Complainant.



- ii. In the event the Complainant is unable to make the complaint on account of the Complainant's mental incapacity, the complaint may be filed by:
 - the Complainant's relative or friend.
 - a special educator.
 - a qualified psychiatrist or psychologist.
 - the guardian or authority under whose care the Complainant is receiving treatment or care; or
 - any person who has knowledge of the incident jointly with the Complainant's relative or friend, or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care the Complainant is receiving treatment or care.
 - iii. In the event the Complainant is unable to make the complaint for any other reason, the complaint may be filed by any person who has knowledge of the incident, with the Complainant's written consent.
 - iv. In the event of the death of the Complainant, the complaint may be filed by any person who has knowledge of the incident, with the written consent of the Complainant's legal heir.
 - b. A Complainant may make the written complaint to the IC. No particular form is required but the complaint must be in writing and signed by the Complainant.
 - c. A Complainant may make a complaint of Sexual Harassment at Workplace to the IC within a period of three months from the date of the incident.
 - d. The IC is empowered to extend the time limit beyond three months from the date of incident, but not exceeding three months thereafter, for reasons to be recorded in writing if the IC is satisfied that the circumstances were such which prevented the person from filing the complaint within the said period.
 - e. The Presiding Officer or any Member of IC may also render reasonable assistance to the Complainant for making any complaint in writing, if he/she cannot make the complaint in writing themselves.
 - f. Legal heirs or such other persons may also make the complaint if the Complainant is unable to make the complaint on account of his/her trauma, physical or mental incapacity or death or otherwise.
 - g. A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the IC from proceeding with the investigation of the complaint.
 - h. If so requested in writing, by the Complainant, pending completion of the Inquiry, the IC may recommend Employer to:
 - i. arrange the Complainant to work from home for up to 3 (three) months
 - ii. transfer the Complainant or the Respondent to any other Workplace; or
 - iii. grant leave up to 3 (three) months to the Complainant; or
 - iv. grant such other relief to the Complainant as maybe prescribed in the Rules, including restraining the Respondent from reporting on the work performance of the Complainant or writing any confidential report and assign the same to another officer.
 - i. The Employer shall implement such recommendations and send a report of such implementation to the IC.



Note: In the event that the Complainant is granted leave in accordance with this Policy, such leaves shall be in addition to the leave the Complainant is otherwise entitled to.

12. Conciliation:

- a. The Complainant can request for conciliation before commencement of an inquiry by the IC. Such conciliation can only be requested by the Complainant.
- b. No monetary settlement shall be made as a basis of conciliation.
- c. The IC shall then record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.
- d. The IC shall provide the copies of the settlement to the Complainant and the Respondent.
- e. Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the IC.
- f. While any conciliation proceeding shall ordinarily be conducted in face-to-face meetings, Clause 14.9 more fully describes other modes of conducting the same.

13. Inquiry into Complaint:

- a. The IC shall follow the prescribed procedures. The IC shall, where the Respondent is an Employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the Respondent and where no such rules exist, in such manner as maybe prescribed under the Rules.
- b. In case of breach of the terms of conciliation settlement then an inquiry shall also be held to look into such breach.
- c. IC shall give equal opportunity of being heard to both the parties.
- d. The inquiry shall be completed within ninety days from the date of complaint.
- e. IC shall forward the copy of findings to both the parties to make representation against findings of the IC.

14. Inquiry Procedure:

- a. The Complainant shall submit/send by e-mail copy of the complaint, supporting documents and list of witnesses to the IC.
- b. One copy of the complaint to be sent to Respondent, after receipt of the complaint, within 7 (seven) working days by the IC.
- c. The Respondent shall file his/her reply within 10 (ten) working days from the date of receipt of the complaint with his/her list of documents and the list of witnesses.
- d. IC shall follow the principles of natural justice during the course of the proceedings.
- e. IC may at its discretion conduct the inquiry ex-parte if the Complainant or the Respondent fails without sufficient cause to present themselves for 3 (three) consecutive hearings convened by IC. However, such ex-parte order may not be passed without giving a notice in writing at least 15 (fifteen) days in advance to the party remaining absent from the proceedings.
- f. No legal practitioner is allowed to be brought by the parties to represent them in their case at any stage of the proceedings before the IC.
- g. Minimum of 3 (three) members including Presiding Officer and the external member shall be present while conducting the inquiry.
- h. For the purpose of making an inquiry, the IC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:
 - i. summoning and enforcing the attendance of any person and examining him on oath;
 - ii. requiring the discovery and production of documents; and



- iii. any other matter as may be prescribed.
- i. While the inquiry/ conciliation proceedings shall ordinarily be conducted face-to-face with the parties and witnesses physically appearing for meetings at the office premises or any other location specified by the IC, in certain circumstances, the IC may allow the parties or witnesses to appear before it through videoconference or telephonic means. In such situations, the following guidelines shall also be observed:
 - i. Videoconference or telephonic proceedings shall be conducted only with the consent of the parties and witnesses involved.
 - ii. The parties or witnesses who are required to depose before the IC shall be given adequate notice of 24 hours to ensure that they have enough time to set up the infrastructure required for taking a video-conference call.
 - iii. The IC members/ parties/ witnesses to any inquiry or conciliation will be bound by the same standards of confidentiality as in the case of face-to-face proceedings. Audio or video recording of proceedings shall not be permitted. The IC member/ party/ witness appearing through virtual means must ensure that they are alone in the room when taking the call and that no part of information relating to the proceedings is made known to any unauthorized individual.
 - iv. Parties/ witnesses will be sent a copy of the minutes of meetings or other relevant documentation (such as inquiry/ findings reports, evidence etc.) via email.
 - v. Any and all communication (including but not limited to consent, confirmations, questions, comments, responses, statements) shall be made through email and/ or digital signatures.
 - vi. In the event that videoconference or telephonic proceedings are not feasible, the IC may postpone the same until physical meetings can be conducted.

15. Inquiry Report:

- a. The IC shall provide Report of the findings to the Employer and both the parties within a period of ten days from the date of completion of inquiry.
- b. The Employer shall act upon the recommendation within sixty days of the receipt of the findings report.
- c. If the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken.
- d. If the IC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to, as the case may be:
 - i. take action for Sexual Harassment as a misconduct in accordance with the provisions of this policy; and/ or
 - ii. deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to her legal heirs, as it may determine, in accordance with the provisions of Section 15 of the Act. In the event the Employer is unable to deduct the same or in the event of non-payment of the above mentioned sum by the Respondent, the same shall be recovered in a manner as prescribed under Section 13 of the Act.

16. Penalties:

- a. Consequences of violation of the Policy:

Any person found guilty of violating this Policy as substantiated by data and facts, will be subject to any of the below mentioned disciplinary action, leading up to and including termination of services, based on severity of case.



- i. Written apology
 - ii. Warning
 - iii. Reprimand or censure
 - iv. With-holding of promotion
 - v. With-holding of pay rise or increments
 - vi. Terminating of service
 - vii. Undergoing a counselling session
 - viii. Carrying out community service
 - ix. Monetary Compensation
- b. Irrespective of and without prejudice to complaints initiated before the IC, the Complainant may, at his/her sole discretion, also choose to lodge a complaint for the same offence with the Police. The IC shall provide reasonable assistance to the Police in its investigation. IC may take note of the findings by the Police and/or any other competent authority, in arriving in its recommendations and conclusion. The Respondent shall be subject to any findings or order of any competent authority, including but not limited to, a Court of Law.
- c. Punishment for false or malicious complaint and false evidence:
If the complaint is found to be false and malicious, the Complainant shall be liable for appropriate disciplinary action. However, this shall not include complaints in respect of which the investigation has remained inconclusive due to circumstances which have rendered the offence difficult to prove and/or such complaints which have been made in good faith. The malicious intent on the part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.
- d. Penalty for publication or making known contents of complaint and inquiry proceedings:
Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the Act violates confidentiality, he/she shall be liable for penalty as maybe prescribed in the Rules.

Where any Employee who is part of the proceedings of the complaint as a witness, Complainant and/or Respondent violates the confidentiality provisions of this Policy, he/she shall be subject to appropriate disciplinary action.

17. Appeal:

The Complainant and the Respondent shall have the right to appeal to the Tribunal/Court of appropriate jurisdiction within ninety days of the decision of the IC if they are not satisfied with the decision of the IC.

18. Local Committee:

- a. If the Employer is unable to recover the amount of compensation from the Respondent, Employer shall forward the Inquiry Report to the District Officer of the Local Committee.
- b. If the Complaint is against the Employer himself, Complaints can be filed before the District Officer of the Local Committee.

19. Filing of Police Complaints:

- a. If the Complainant so desires, it is the duty of the Employer to assist the Complainant in filing the Complaint with the Police.
- b. If it is a grave offence, then Employer is duty-bound to report the matter to the Police.

20. Savings:



- a. The proceedings under this Policy shall be conducted in parallel with the other remedies of law, if such a case arises.
- b. The provisions of this Policy shall not restrict the power of Employer or Complainant to proceed against the Respondent for any other misconduct or to pursue the criminal or civil remedies.

21. Examples of Instances Construed as Sexual Harassment:

Sexual harassment is classified as below, which includes but is not limited to the following:

- a. surreptitiously looking or prolonged staring at a person, giving rise to gross discomfort to the person.
- b. telling sexually colored jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense, and the same being carried out after the offender has been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar;
- c. malicious leering or ogling;
- d. the display of sexually offensive pictures, materials or graffiti;
- e. unwelcome inquiries or comments about a person's sex life;
- f. unwelcome sexual flirtation, advances, propositions;
- g. making offensive hand or body gestures;
- h. persistent unwanted attention with sexual overtones;
- i. unwelcome phone calls, text messages, online messages/ communication, video calls, or any such verbal or virtual communication with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver;
- j. unsavory remarks about a person's physical characteristics, dressing, attitude, etc.;
- k. sexual assault;
- l. malicious and/or unwanted touching or brushing against a victim's body;
- m. requesting for sexual favors in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honours or scholarship, or the grant of benefits or payment of a stipend or allowance;
- n. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
- o. verbal abuse with sexual overtones; and
- p. other analogous cases.

22. Names and Contact Details of the Members of the IC:

The names and contact details of the Members of the IC shall be as communicated by the Organization to the Employees from time to time.

23. Annual Report of the IC:

The IC shall in each calendar year prepare an annual report in the prescribed form and submit the same to the Employer and District Officer. The report shall encompass the following:

- a. number of complaints received that year;
- b. number of complaints disposed of during that year;
- c. number of workshops or awareness programs conducted;
- d. number of cases pending for more than 90 (ninety) days;
- e. nature of action taken by the Employer.



Timelines under the Act:

#	Action Point	Authority/Concerned Person	Time Limit
1	Complaint	Complaint to be lodged by aggrieved person before the IC	1)within the period of 3 months from the date of the incident, or 2)in case of series of incidents, within the period of 3 months from the date of last incident.
2	Initiation of Inquiry Proceedings	By the IC, by sending the copy of complaint To the Respondent	Within the period of 7 working days of receipt of the complaint
3	Reply by the Respondent along with list of documents, names and addresses of witnesses	To the IC	Within 10 working days from the day of receipt of the copy of complaint forwarded by IC.
4	Completion of Inquiry proceedings	By IC	Within 3 months from the date of receipt of complaint
5	Submission of Inquiry Report and Findings along with Recommendations by IC	To the Employer	Within 10 days of completion of Inquiry Proceedings by IC
6	Implementation of Recommendations made in the Inquiry Report of IC	By the Employer	Within 60 days of the receipt of the Recommendations made in the Inquiry Report by IC
7	Appeal	By the aggrieved person	Within a period of 90 days of Recommendations by IC.