

**Policy on Prevention of Sexual Harassment****CONTENTS**

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## **I. INTRODUCTION**

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Transcorp has modified the erstwhile policy for Prevention of Sexual Harassment at the Workplace and the Board of Directors has unanimously adopted the same.

Vide notification dated December 9, 2013; Ministry of Women and Child Development have introduced Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. The earlier policy has been amended by incorporating the rules and procedures as mandated in the said notification. The revised policy shall be in effect from 09<sup>th</sup> August, 2023.

### **Objective**

To define Transcorp's position regarding employee harassment, to maintain a working environment that is comfortable and free of sexual harassment, helping employees to contribute to the Company's goals effectively and to communicate the Company's actions to any such conduct.

### **Scope**

This policy shall be applicable to all employees of Transcorp and its subsidiaries. It includes all categories of employees of the Company, including permanent management and workmen, temporary appointees, trainees and employees on contract at its workplace or at client sites.

It shall also include any unwelcome behaviour of a sexual nature mentioned in the policy by any other employees, customers, consultants, visitors, vendors, contractors or other non-employees during the course of a business relationship, to any of our employees.

## **II. DEFINITIONS**

**"Workplace"** includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises including transportation provided by the employer for undertaking such a journey.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

**"Employee"** means:

A person employed at a workplace for any work, on regular, temporary, 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.

**“Employer”** means:

The head of the organisation or any person who is responsible for the management, supervision and control of the work place.

**“Sexual Harassment”**

Sexual Harassment can occur between individuals of the opposite sex or the same sex. This may include but is NOT limited to unwelcome sexual behaviour of direct or implied nature such as:

1. Physical contact and advances; or
2. Demand or request for sexual favours; or
3. Making sexually coloured remarks; or
4. Showing pornography; or
5. 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 of sexual harassment 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.

**“Unwelcome sexually determined behaviour”**

Unwelcome sexually determined behaviour includes but is not limited to:

- Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
- Making any unwelcome remark with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks, etc.
- Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups / calendars / screen-savers on computers / any offensive written or electronic material.
- Engaging in any other unwelcome conduct of a sexual nature, verbal or even

nonverbal, etc.

- Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.

## **“Aggrieved”**

In relation to workplace, a person of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

## **“Respondent”**

Against whom the aggrieved has made a complaint

## **“Internal Committee”**

The Committee constituted under Part IV.

### **III. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT**

All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

Employers have a responsibility to sensitize employees regarding sexual harassment issues by organizing workshops and seminars. The Central Government rules under the Sexual Harassment Act require the employer to engage in the following:

1. Dissemination of the policy against sexual harassment.
2. Carrying out orientation programs for the members of ICC
3. Conducting capacity and skill-building programs for the members of ICC.
4. Conducting awareness programs and dialogue forums involving members from women’s group, mother’s committee, Panchayati raj institutions, urban local bodies and other appropriate bodies.
5. Publish names and contact details of the members of ICC for easy access by employees and others working in the organization
6. Use modules developed by State Governments for conducting awareness programmes for employees regarding the provision of the law.
7. Employers may consider inviting legal practitioners who have worked on women’s rights issues, representatives of NGOs, organizations working on the issues of women’s rights or human rights for such orientation and sensitization programs.
8. To display the notice in conspicuous places in the workplace about the penal consequences of indulging in sexual harassment, and also about the composition and contact information of the members of the ICC. This can be done through fixing attractive posters around the offices and especially at places where the

employees will obviously read the posters.

The ICC will require facilitation and assistance from the employer's end to carry out inquiries. Facilitation necessary from the employer's end could include:

1. Provision of a venue where ICC proceedings can be carried out in a confidential manner.
2. Providing necessary logistical support in terms of furniture and stationery
3. Ensuring that committee members (if they operate from the employer's premises) have access to secure communication (internet, phone connections, postal services) so that inquiry and hearings can be smoothly carried out.
4. Providing access to company policies and manuals, any basic legal literature which is possessed by the employer, etc.
5. The employer must assist the ICC in securing the attendance of the person alleged to be the perpetrator and any witnesses before the ICC for example, he could arrange for transport in appropriate cases.

In any case, if the woman requests, the employer is obligated under the law to provide adequate assistance to her in approaching the police and filing an FIR related to instance of sexual harassment.

#### IV. COMPLAINT MECHANISM

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of **"Internal Complaints Committee"** has been created at each office or branch of the Company that employs at least 10 employees for time-bound redressal of the complaint made by the victim.

##### **Internal Complaints Committee (ICC):**

The Internal Complaints Committee will comprise of the following:

1. **Presiding Officer-** Shall be a woman employed at a senior level at workplace amongst the employees.
2. **Two members-** Shall be amongst employees preferably committed to the cause of woman or who have an experience in social work or have legal knowledge.
3. **One Member-** amongst Non-Governmental Organisations or associations committed to cause of woman or a person familiar with the issues relating to sexual harassment.

Provided that at least one half of the total Members as nominated are women.

The Company has instituted an ICC for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

##### **The present composition of the ICC is provided in Annexure A.**

Additional members will be added as may be required from time to time. The nomination will be reviewed and approved by the audit committee.

At least 50% of the ICC shall be constituted by persons drawn from departments other than the Human Resources department of the company. The Presiding Officer and every member of ICC

shall hold office for a period not exceeding three years from the date of their nomination.

The ICC is responsible for:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.

The member appointed from amongst Non-Governmental Organisations or associations shall be paid the fees or allowances for holding the proceeding of Internal Committee by the Employer. In case of appointment of member from NGO the allowance will be Rs. 200 per day also the reimbursement of travel cost will be paid by the employer.

## V. GRIEVANCE REDRESSAL MACHINERY

The Policy provides for an informal and a formal process for redressal:

### A) Procedure for an Informal Grievance Redressal:

Informal processes normally involve an intermediary means for resolving a problem. In the case of Sexual Harassment, at first instance, the aggrieved may first contact anyone seeking informal support/intervention to stop unwelcome behaviour. The person may convey to the person who is the cause of distress, about what that person's actions, words, behaviour is doing and convey in no uncertain terms that such behaviour is not appreciated.

In the event of the complaint not being resolved through an informal mechanism, or if the aggrieved is not comfortable with addressing the harasser directly, then it would need to be formally escalated to the ICC for redressal.

### B) Procedure for Formal Grievance Redressal:

1. The aggrieved person may make, in writing, a complaint of sexual harassment at the workplace to ICC, within a period of three months from the date of incident and in case of a series of incidents, **within a period of three months** from the date of the last incident.

Provided where such complaint cannot be made in writing, the Member of the Committee shall render all reasonable assistance to the aggrieved for making the complaint in writing.

If the Committee finds that the circumstances were such which prevented the aggrieved from filing a complaint within the said period, then the Committee may extend the time limit. However, the extension cannot exceed three months. Also the reason for extension of time limit has to be recorded in writing.

2. i) Where the aggrieved is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by aggrieved person's—  
(a) Relative or friend; or

- (b) Co-worker; or
  - (c) An officer of the National Commission for Women or state Women's Commission;  
or
  - (d) Any person who has knowledge of the incident, with the written consent of the aggrieved.
- ii) Where the aggrieved is unable to make a complaint on account of her mental incapacity, a complaint may be filed by the aggrieved person's:
- (a) Relative or friend; or
  - (b) A special educator; or
  - (c) A qualified psychiatrist; or
  - (d) The guardian or authority under whose care she is receiving treatment or care; or
  - (e) Any person who has knowledge of the incident jointly with the aggrieved's relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care the aggrieved is receiving treatment or care;
- iii) Where the aggrieved 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 the aggrieved written consent;
- iv) Where the aggrieved is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved legal heir.
3. Once a complaint is received, ICC may, at the request of the aggrieved, take steps to settle the matter between the aggrieved and the respondent through conciliation. Monetary settlement cannot be the basis of conciliation. Once the settlement is arrived at, ICC shall record the settlement arrived at and forward the same to the employer to take action as specified in the recommendation.
- The ICC shall provide the copies of the settlement to the aggrieved and the respondent.
- Where a settlement is arrived, no further inquiry shall be conducted by ICC. However, if the aggrieved informs ICC that any term or condition of the settlement arrived at has not been complied with by the respondent, ICC shall proceed to make an inquiry into the complaint or forward the complaint to the police. Where both the parties are employees, the parties shall during the course of inquiry 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 Committee.
4. During the pendency of inquiry, ICC may recommend to the employer such relief to the aggrieved as it may consider appropriate and in line with all the applicable statutory laws. The employer shall implement such recommendations, and send report of such implementation to ICC.
5. On completion of the inquiry, ICC shall provide a report of its findings to the employer, within a period of 10 days from the date of the completion of the inquiry and such reports can be made available to the concerned parties.

6. Where the allegation of the respondent is proved by ICC, it shall recommend the employer to grant such relief to the aggrieved which shall be in line with the applicable statutory laws.

Where ICC comes to a conclusion that the allegation against the respondent is not proved, it shall recommend to the employer that no action shall be taken in the matter.

The employer shall act upon the recommendation within 60 days of the receipt of the recommendation.

## **VI. MANNER OF INQUIRY INTO COMPLAINT**

1. At the time of filing the complaint, the complainant shall submit 6 copies of the complaint along with the supporting documents and the names and addresses of the witness, to ICC.
2. On receipt of the complaint, ICC shall send one of the copies received from the aggrieved to the respondent within 7 working days.
3. The respondent then has to file its reply to the complaint along with its list of documents and names and addresses of witnesses, within 10 working days from the date of receipt of documents by the respondent.
4. In case the respondent or the complainant fails to present themselves for three consecutive hearings convened by the Presiding Officer, ICC shall have the right to terminate the inquiry proceedings or make an *ex-parte* decision on the complaint. The Committee however cannot terminate or pass an *ex parte* decision unless a notice is giving in 15 days advance to the parties concerned. The Committee shall see to it that it shall act fairly at the time of inquiry into the complaint.
5. The parties shall not be allowed to bring any legal practitioner to represent them in their case in any stage of the proceedings before ICC.
6. Minimum three members of ICC, including the Presiding Officer, shall be present at the time of conducting the inquiry.

## **VII. PUNISHMENT FOR FALSE AND MALICIOUS COMPLAINTS**

1. If ICC arrives at a conclusion that:
  - i) The allegation against the respondent is malicious; or
  - ii) The aggrieved or any other person making the complaint has made a complaint knowing it to be false; or
  - iii) The aggrieved or any other person making the complaint has produced any forged or misleading document;

Then, it may recommend to the employer to take necessary action against the complainant or the person who has made a complaint.

However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. A malicious intent on part of the complainant can



be established only after conducting an inquiry into the complaint.

2. If ICC arrives at a conclusion that during the inquiry any witness had given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, to take action as may be prescribed in the provisions of the statutory laws.

#### **Manner of taking action:**

Where ICC arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any or more of the following actions:

- Written apology
- Warning Reprimand or censure
- Withholding of promotion
- Withholding of pay rise or increments
- Terminating the respondent from service
- undergoing a counselling session
- conducting a community service

The employer, can also take actions other than the above mentioned, if it deems fit.

The employer has to treat any instances of sexual harassment as misconduct under the Rules of Employment & as per the clause specified in the Appointment letter of the Employees.

The consequences for misconduct may be the deduction of wages or termination of employment or transfer to another location as may be deemed fit by the Management.

#### **Prohibition of publication or disclosing the content of complaint or inquiry proceedings:**

The contents of the complaint made, the identity and addresses of the aggrieved, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of ICC and the action taken by the employer shall not be published, communication or made known to the public, press or media in any manner.

Any person who violates the above shall be penalised by the employer with such amount as may be prescribed in the applicable statutory rules. However, justice secured to any victim of sexual harassment can be disseminated without disclosing the details mentioned above.

#### **Appeal to the court**

Any person, who is aggrieved from the recommendations made, may prefer an appeal to the Court or Tribunal. This appeal shall be made within a period of 90 days from the date of the recommendation.

## **VIII. MODIFICATIONS**

This policy will be periodically revised and is subject to modification. Any amendment or waiver of any provision of this Code must be approved in writing by the Company's Board of Directors, or such other committee as may be decided, and promptly disclosed on the Company's website and in applicable regulatory filings pursuant to applicable laws and regulations, together with details about the nature of the amendment or waiver.

## **IX. REPORTING**

The employer has to do the several filing and reporting as prescribed under the provisions of Sexual Harassment Act.

### **Preparation of annual reports-**

The ICC is required to submit an annual report with the employer, Registrar of Companies and District officer at the end of each calendar year, ie, after 31st December. The employer is required to ensure that these actions taken by the ICC on a timely basis.

The annual report shall have the following details: -

1. Number of complaints of sexual harassment received in the year;
2. Number of Complaints disposed off during the year
3. Number of cases pending for more than ninety days
4. Number of workshops or awareness programme against sexual harassment carried out
5. Nature of action taken by the employer or District Officer

## **X. CONSEQUENCES OF FAILURE TO COMPLY WITH OBLIGATIONS**

If an employer fails to constitute an Internal Complaints Committee or does not comply with any provisions contained therein, the Sexual Harassment Act prescribes a monetary penalty of up to INR 50,000 (approx. US\$1,000). A repetition of the same offence could result in the punishment being doubled and / or de-registration of the entity or revocation of any statutory business licenses.

## **AMENDMENTS TO THE INDIAN PENAL CODE**

As a result of the growing importance of the issues relating to sexual harassment and protection of female employees in India, a new section<sup>3</sup> was added to the Indian Penal Code, 1860 through the Criminal Law (Amendment) Act, 2013<sup>4</sup>, which enlists the acts which constitute the offence of sexual harassment and further envisages penalty / punishment for such acts. A man committing an offence under this section is punishable with imprisonment, the term of which may range between 1 - 3 years or with fine or both. Since the amendment criminalizes all acts of sexual harassment, employers shall be required to report any offences of sexual harassment to the appropriate authorities.

## **XI. FAQs RELATED TO THE POLICY**

### **a) Can both men and women be victims of sexual harassment?**

Yes, both men and women can be victims of sexual harassment. Anyone being sexually harassed, regardless of gender, should know that the law protects them and should feel encouraged to take appropriate action.

**b) What are the types of sexual harassment in the workplace?**

Sexual harassment can take many forms, including but not limited to supervisor harassment, co-employee harassment, and even harassment by non-employees.

**c) How bad must a hostile work environment get before I should complain?**

An employee should notify an employer whenever they reasonably believe themselves to be the victim of harassment. If the conduct is severe, it may be enough that it occurred only once. If the conduct is less severe, but occurred over an extended period of time, which too may be sufficient.

**d) What if an employee witness inappropriate conduct or someone tells him/her about it?**

Anyone who witness inappropriate comments or conduct, even if it is directed at someone else, is encouraged to report it. Moreover any employees who become aware of sexual harassment are required to report it to any of the committee members.

**e) Will the complaint made be treated confidentially?**

The Company shall make every reasonable effort to handle inquiries, complaints and related proceedings in a manner that protects the privacy of all parties. Each situation is resolved as discreetly as possible, with information shared with those who need to know in order to investigate and resolve the matter. In certain circumstances, it may be possible to address the concerns without disclosure of the identity of the parties, however this is not possible in every matter, as some situations require the disclosure of the complainant's identity in order to fully investigate the matter and/or to enable the accused harasser the ability to fully respond to the allegations against him or her.

**f) May the complainant or the respondent have a support person with me during the Investigation Process?**

During the course of the investigation process, both the complainant and the respondent may have a friend or colleague present with them during the investigatory interview to support them during the process. The parties shall not however not be allowed to bring any legal practitioner to represent them in their case in any stage of the proceedings.

**g) What if the complainant is retaliated against for complaining about harassment or participating in an investigation?**

The Company's Sexual Harassment Policy strictly forbids retaliation against anyone for making a good-faith harassment complaint. Retaliation is a serious violation that can subject the offender to strict actions by the Company, independent of the merits of the sexual harassment allegation. Anyone experiencing any conduct that he or she believes to be retaliatory should immediately report it to one of the committee members.

**Please Note**

ICC will not entertain any anonymous complaints.

**Annexure-A****POSH INTERNAL COMPLAINT COMMITTEE**

(Constitution as per Section 4 of the Act of 2013)

The Internal Complaint Committee (“ICC”) is constituted in compliance with the provisions of The Sexual Harassment of Women at Work Place (Prevention, Prohibition, and Redressal) Act, 2013 (“Act of 2013”) for Transcorp International Limited and its Subsidiary Companies (“Transcorp”). Since Transcorp is a Pan India company the ICC is constituted region-wise and one for head office. The three regions for Transcorp are North, West, and South. The ICC with its members for Transcorp (Regions and Head Office) for the Years 2023 to 2026 (“the tenure of ICC”) is as under:

Sr No.	Gender	Division / Dept	Zone	Location	Particulars	Designation
1	Female	External			Ms. Nutan Jain	Member (External)
2	Female	HR	HO	Jaipur	Ms.Meenakshi Jadhav	Presiding Officer
3	Female	HR	HO	Jaipur	Ms.Madhumita Kumari	Member
4	Female	Insurance	HO	Jaipur	Ms.Shweta Sharma	Member
5	Male	Secretarial	HO	Jaipur	Mr. Jayesh Kumar Pooniya	Member
6	Female	Legal	HO	Jaipur	Ms.Mansi Sharma	Member
7	Female	North Branch	North	Delhi	Ms.Anjali Rawat	Member
8	Female	PPI	North	Delhi	Ms.Aarushi Khurana	Member
9	Female	PPI	North	Delhi	Ms. Prachi Jain	Member
10	Female	South Branch	South	Chennai	Jayamma Narasasaiah Sn	Member
11	Female	West Branch	West	Ahmedabad	Ms.Disha Mehta	Member
12	Male	North RM	North	Delhi	Rahul Chhibber	Member
13	Male	West RM	West	Mumbai	Ryster Coelho	Member
14	Male	Central RM	Central	Jaipur	Devendra Singh Shekhawat	Member
15	Male	South RM	South	Chennai	A Suresh	Member
16	Male	MCD Head	North	Delhi	Tarun Khandelwal	Member
17	Male	FI Head	HO	Jaipur	Ravi Mohan Saxena	Member

**Note 1: Ms. Komal Ramchandani shall be the advisor and trainer for the ICC at all the zones and the Head office.**

**Note 2: The ICC is subject to change in between the tenure, subject to transfer/retirement/resignation of the member(s).**

*Meenakshi*

