

Title	ISARC-Policy on Protection of Sexual Harassment at Workplace (POSH)
Approval Date	31-03-2023
Approving Authority	Board
Effective Date	31-03-2023
Review	As and when required
Applicable to	ISARC and all its employees

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ISARC-Policy on Protection of Sexual Harassment at Workplace (POSH)

1. Introduction

India SME Asset Reconstruction Company Limited ('the Company' or 'ISARC') is committed to creating a healthy and safe work environment that enables employees who are working for and with ISARC to deliver their best at work without fear of prejudice, gender bias or sexual harassment. Towards this, it is essential that each employee deals with his/ her colleagues and third parties with full fairness and respect and realizes that his/her behaviour will be attributed to the company and can affect its reputation.

Sexual harassment at the workplace is a form of discrimination. Protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments. Therefore, in order to deal with sexual harassment at workplace the Company has set out "Prevention and Redressal of Sexual Harassment" Policy.

The Policy aims to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

2. Applicability

The Parliament has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act, 2013, which has come into force w.e.f. December 9, 2013. In terms of provisions of section 4(1) of the Act, every employer is required to constitute Committee to be known as "Internal Complaints Committee" (ICC) and adopt the policy in this behalf.

The Policy applies to all those employed and associated with the Company. They can be regular, temporary, ad-hoc or daily wage basis employees. They include contract workers, consultants, retainers, probationers, trainees, and apprentices or called by any other such name engaged by the Company. They could be appointed either directly or through an agent including a contractor.

Where sexual harassment occurs to an employee as a result of an act by a third party or outsider while on official duty, the Company will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

This Policy will become operational from the date as may be decided by the Board of Directors of the Company.

3. Definition of sexual harassment

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

- a. Physical contact and advances; or
- b. A demand or request for sexual favours; or
- c. Making sexually coloured remarks;
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

4. Policy statement

- a. All employees will maintain high standards of dignity, respect and positive regard for one another in all their dealings.
- b. All employees will understand and appreciate the rights of the individual to be treated with dignity.
- c. All employees are required to maintain a work environment, which is free from any kind of harassment.
- d. All employees will refrain from committing any acts of sexual harassment at workplace.
- e. Allegations of sexual harassment will be dealt seriously, expeditiously, sensitively and with confidentiality.
- f. All employees will be protected against victimization, retaliation for filing or reporting a complaint on sexual harassment and will also be protected from false accusations.

5. Internal Complaint Committee (ICC)

The committee will consist of Presiding Officer who will be a woman employed at a senior level of the Company. In addition, not less than two members from amongst employees and an external executive from any NGO or association committed to the cause of women or a person familiar with the issues relating to sexual harassment. The members of the committee will be rotated every 3 years.

Provided that at least one-half of the total members so nominated are required to be women.

The ICC would examine each case and take a decision from time to time, for conducting the enquiry proceedings.

6. Procedure for dealing with complaints of sexual harassment

- a. It is the obligation of all employees to report / approach any member of ICC with a written complaint, supporting documents and list of witnesses within a period of 3 months from the date of incident(s). The ICC may extend the time limit not exceeding 3 months by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the aggrieved person from filing the complaint during the period.
- b. In case the aggrieved person is not able to register complaint due to any physical incapacity, complaint can be registered with written consent from the aggrieved person either by relative, friend, colleague, a qualified psychiatrist or psychologist, guardian or authority under whose care the aggrieved person is receiving treatment/ care or any person who has knowledge of the incident.
- c. Where the aggrieved person is dead, complaint can be filed by any person who has knowledge of the incident with written consent of the legal heir of the aggrieved person.
- d. When the complaint is received, it will be promptly investigated in a fair and expeditious manner by the ICC. In the event of a written complaint received by the ICC, it will look into the complaint within 10 working days of receipt of complaint. In case of receipt of the complaint by the Management and / or the Human Resources (HR) department / mechanisms and / or any other person in the Company; it will be immediately handed over to the ICC.
- e. The person accused will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
- f. The Committee will ensure that a fair and just investigation is undertaken immediately.
- g. Both the complainant and the alleged accused initially will be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- h. The complainant and the accused will be informed of the outcome of the investigation. The investigation will be completed within 3 months of the receipt of the complaint. If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be disciplined accordingly.
- i. In case, the complaint lodged is found to be false, malicious or forged and misleading documents have been produced, the ICC post investigations may recommend disciplinary action against the complainant.

7. Disciplinary Action

Where any misconduct is found by the Committee, appropriate disciplinary action will be taken against the accused. Disciplinary action may include transfer, withholding promotion, suspension or even dismissal. This action will be in addition to any legal recourse sought by the complainant.

8. Appeals

In case of any decision by the ICC is not acceptable to the aggrieved person and / or respondent, they will be given an opportunity to represent the case to the ICC in-person and the same will be recorded. The decision arrived at thereafter by the presiding officer of the ICC will be final and binding to both and will be implemented by HR. They could further appeal to a court or tribunal as per the law within a period of 90 days.

9. Confidentiality

All information received will be kept confidential. Any person (including witnesses) who breaches confidentiality will be subject to disciplinary action.

10. Protection against retaliation

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee is required to ensure that the Complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the accused against the complainant while the investigation is in progress should be reported by the complainant to the ICC as soon as possible. Disciplinary action will be taken by the ICC against any such complaints which are found genuine.

11. Documentation

The Committee is required to keep complete and accurate documentation of the complaint, its investigation and the resolution thereof with the full report of the Internal Complaints Committee.

12. Complaints made with a malicious intent

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, Company's employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual

/ tarnishing his/her image in the company and to settle personal/professional scores, strict action will be taken against the complainant. The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under various laws for the time being in force.

13. Conclusion/Review

It is required to be constant effort of the Company to prevent sexual harassment and create conducive work environment. The Company is committed to the implementation of the objectives of this Policy, of procedures laid down, to the training and awareness of all employees. The Sexual Harassment Policy is subject to modifications periodically as per changing times and needs of the organization and/or change in law.

Approved and Confidential