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Nipun Projects & Finance Private Limited

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**Policy on Prevention of Sexual Harassment at Workplace (POSH)**

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Serial No.	Version	Prepared by	Date of Approval
1	V1	Human Resources	02-04-2024

## Policy on Prevention of Sexual Harassment at Workplace (POSH)

### Preamble:

The Policy on Prevention of Sexual Harassment at Workplace ('POSH Policy') of Nipun Projects & Finance Private Limited ('Optimoloan' or 'Nipun' or 'Company') is formed in accordance with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act") and the rules prescribed thereunder. POSH Act aims at preventing and protecting women against workplace sexual harassment and to ensure effective redressal of complaints of sexual harassments. This Policy is framed with an intention to protect the interests of all genders and therefore seeks a wider scope and it extends to all offices of the Company.

### Definition of major terms:

- a. **Employee** – '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.
- b. **Workplace** – 'Workplace' is as defined under the POSH Act including any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service.
- c. **Sexual Harassment** – '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 favours; or
  - (iii) making sexually coloured remarks; or
  - (iv) showing pornography; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- d. **Internal Complaints Committee** – 'Internal Complaints Committee' ('ICC') means an Internal Complaints Committee constituted as per POSH Act.
- e. **Local Complaints Committee** – 'Local Complaints Committee' ('LCC') means a Local Complaints Committee as defined under the POSH Act.
- f. **Aggrieved Person** – 'Aggrieved Person' means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- g. **Respondent**- 'Respondent' means a person against whom the Aggrieved Person has made a complaint.

**Scope:**

The Company strongly condemns any form of sexual harassment. We do not tolerate it and have constituted an Internal Complaint Committee ('ICC') to look into and address such cases, if any. Sexual harassment shall be irrespective of sex, between same sex or opposite sex. It is judged by the impact on the complainant and not the intent of the Respondent. This Policy is applicable to all employees at all branches, third parties, contract employees, part-time employees, vendor personnel and interns engaged in the business operations of the Company. This Policy also extends to individuals such as clients and visitors who are subjected to sexual harassment in the premises of the Company.

It is to be clearly noted that the POSH Act is legislated to specifically protect the interests of Women. The scope of this Policy is wide enough to cover employees of all gender working in the Company who may be subjected to harassment. While the regulatory benefit under POSH Act is restricted to Women specifically, all others are entitled to seek legal remedies wherever required with the Labour Courts and the local Police.

The POSH Act is the base document for all references. This Policy is subject to the provisions of the POSH Act and is to be read likewise.

**Deep diving into the Policy**

**What is meant by Sexual Harassment?**

'Sexual Harassment' is defined under POSH Act as mentioned above. The legislation has kept the scope of the term so wide to include any such intended act by a person.

Sexual harassment could mean any sexually connoted behavior (outright or implied) such as physical contact and suggestive advances, inappropriate communications or offers, demands or requests for sexual favors, sexually colored remarks, display of pornographic material, electronic messages, and any other "sexually suggestive behavior" (Physical, Verbal or Non-Verbal in conduct).

A Do's and Don'ts is given as Schedule 1 for easy reference of all stakeholders.

**Who can make a complaint?**

A complaint can be made by an Aggrieved Person or by another person on their behalf as mentioned below:

- a. A relative or a colleague or a friend who is aware of the incident;
- b. A qualified psychiatrist;
- c. Any other person with the written consent of the Aggrieved Person.

The complaint must be filed within a period of 3 months from the date of incident, in case of a series of incidents within a period of 3 months from the date of last incident. The ICC and LCC is authorised to extend this time limit not exceeding for a period of 3 months if it is satisfied that

the circumstances were such which prevented the Aggrieved Person from filing a complaint within the said period.

### What should form part of a complaint?

A complaint should essentially carry the following details of the case:

- Basic details of the Aggrieved Person (Name, designation, department, location, employee code)
- Basic details of incident being reported (date, place, time)
- Details of the Respondent (Name, designation, department, location)
- Any supporting proof, if available (screenshots of communication or other documents)
- Expected corrective action from the company

### Where it is to be reported?

The complaint is to be sent to **Internal Complaints Committee (ICC)**. Details of the committee and the members have been provided below.

If the complaint is against the company, it needs to be sent to jurisdictional Local Complaints Committee (LCC).

### What is Internal Complaints Committee and who are the members?

The complaints under the POSH Act will be considered by the ICC. The details of the ICC are as follows:

Nipun Projects & Finance Private Limited (Bangalore Corporate Office)		
Name	Designation	Contact details
Lavanya Srivaram	Presiding Officer	<a href="mailto:lavanya@optimoloan.com">lavanya@optimoloan.com</a>
Gunavathi S	Member	<a href="mailto:Gunavathi.s@optimoloan.com">Gunavathi.s@optimoloan.com</a>
Ajinkya Pokharkar	Member	<a href="mailto:ajinkya@optimoloan.com">ajinkya@optimoloan.com</a>
Harikrishnan K M	Member	<a href="mailto:Harikrishnan.KM@optimoloan.com">Harikrishnan.KM@optimoloan.com</a>

### What are the powers available with the ICC or LCC?

ICC and LCC are authorised to make **Inquiry** into the complaints received. They have same powers as vested in a civil court as per Code of Civil Procedure, 1908 namely:

- summoning and enforcing the attendance of any person and examining him on oath;
- requiring the discovery and production of documents; and
- any other matter which may be prescribed.
- The Inquiry under sub-section (1) shall be completed within a period of **ninety days**.

### Settlement through conciliation

Conciliation is an accepted mode under the POSH Act. Before initiating the Inquiry, based on a written request from Aggrieved Person, ICC can settle the matter through conciliation. There shall not be monetary settlement forming part of conciliation. The ICC once arrived at a settlement under conciliation shall forward the report to the Employer, the Aggrieved Person and the Respondent. No further inquiry will be conducted by ICC where a settlement is arrived through conciliation.

Where no settlement could be arrived at by way of conciliation, an Inquiry may be initiated.

**The Inquiry and redressal**

During Inquiry, if the Aggrieved Person requests in writing, the ICC can recommend such interim measures to the Employer as prescribed under the POSH Act.

**Procedure**

The ICC may adopt such mode of inquiry as it deems fit to address the complaint. In all cases, the Aggrieved Person, Respondent, Other Parties must be given fair opportunity to respond and provide evidence. Separate meetings shall be conducted to assess the case from the point of view of all parties for arriving at an impartial judgement.

Joint meetings shall also be conducted and parties must be given opportunity to make their cases in presence of others.

**Absence of Parties**

ICC may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

**The Outcome**

<p><b>Complaint not being Upheld</b></p>	<p>Where the ICC decides that the complaint against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.</p>
<p><b>Complaint Upheld</b></p>	<p>Where the complaint is proved, it recommends to the Employer to take necessary action for sexual harassment as misconduct which can be any one or more of the following:</p> <ol style="list-style-type: none"> <li>1. Letter of Apology</li> <li>2. Letter of Warning</li> <li>3. Counselling</li> <li>4. Withholding promotion</li> </ol>

	<p>5. Withholding pay rise/ increments or promotion</p> <p>6. Suspension/ Termination</p>
<b>Malafide Intent</b>	<p>Based on Inquiry if the ICC decided that there was malafide intent on part of the complainant, any action as mentioned above may be initiated against the complainant.</p> <p>Malafide Intent is to be established through a separate inquiry and the fact that a complainant was unable to substantiate a complaint should not be assumed to have a Malafide Intent.</p>
<b>Confidentiality</b>	<p>Identities of the Aggrieved Person, Respondent, and other parties involved must be kept confidential by the company. Any person contravening the confidentiality clause is subject to disciplinary action, including termination, depending upon the intensity and impact of the breach.</p>

**Report**

The ICC shall submit a report along with its findings to the Employer - within 10 days of completion of Inquiry. Based on the report/ findings of ICC, disciplinary action may be recommended by Employer against the accused. Any person aggrieved by the recommendation of ICC may prefer an appeal under the provisions of POSH Act.

**Review**

This model shall be reviewed as and when required by the Board of Directors and any revision in this policy shall be decided by the Board.

**Schedule 1**

Below is an indicative list of what constitutes the dos and don'ts of how to prevent Sexual Harassment in the workplace. This is not an exhaustive list.

Dos	Don'ts
<ol style="list-style-type: none"> <li>1. Keep informed about the POSH Act and the regulatory support provided in this regard.</li> <li>2. Develop an understanding about what kind of behaviour will be perceived as not acceptable to people.</li> <li>3. Abstain from use of language having unintended connotation or double meaning.</li> <li>4. Inculcate a deep sense of fairness in treatment of people.</li> <li>5. Keep abreast of and also keep the colleagues aware of the policy of the Company.</li> </ol>	<ol style="list-style-type: none"> <li>1. Discussion on sexual acts or engaging in any related conversation</li> <li>2. Making derogatory and unnecessary remarks on physical attributes of people</li> <li>3. Intentionally or otherwise speaking to colleagues on sexual favors, advances etc.</li> <li>4. Use of foul or offensive language even without any sexual connotation</li> <li>5. Singing or humming of songs having usage of sexual language</li> <li>6. Any act which can be attributed to be sexuality/vulgarity</li> <li>7. Intrusion into the privacy of a co-worker</li> <li>8. Wear clothes with suggestive remarks/graphics</li> <li>9. Wear clothing that are excessively revealing</li> <li>10. Any display of affection that can make the co-workers uncomfortable.</li> </ol>