Protium

PREVENTION OF SEXUAL HARASSMENT POLICY

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I. Objective

Organization is committed to create and maintain a secure work environment where it's Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by an act of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company's business.

The objective of this policy is to provide protection against Sexual Harassment of employee's at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. All concerned stakeholders should take cognizance of the fact that organization strongly opposes sexual harassment, and that such behavior against any employee is prohibited by the law as set down in the Sexual Harassment Of employee at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action against a person who is involved into such act.

At Protium Finance Limited, we have zero-tolerance for sexual harassment. We value each employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a safe working environment where all employees irrespective of their genders are treated equally with dignity and respect. We are committed towards giving every employee a fair opportunity of hearing on the issues encountered by them at the workplace with special attention to sexual harassment.

II. Scope

Protium's policy is framed for the purpose of Prevention, Prohibition and Redressal of Sexual Harassment covering every "employee" across the Company.

Every employee who is Aggrieved Person or victim of Sexual Harassment shall address its grievance using the redressal mechanism as provided in this policy.

The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company's offices / branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visit. Protium's Policy on Prevention of sexual harassment is applicable to all the allegations made with respect to sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsourced employees.

Sexual harassment is judged by the impact on the complainant. Allegations of Sexual harassment need not be necessary to be raised by female upon male or male upon female employee, such allegations can be even raised by the individuals of same gender including LGBTQ.

This Policy comes into force with immediate effect.

III. Definition

A. "Aggrieved Person" means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.

B. “employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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;

C. “Internal committee” means a committee constituted by Company as per this Policy.

D. “Respondent” means a person against whom the aggrieved person has made a complaint.

E. “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:

(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 other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or

F. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment:

1. Implied or explicit promise of preferential treatment in their employment.
2. Implied or explicit threat of detrimental treatment in their employment.
3. Implied or explicit threat about their present or future employment status.
4. Interfering with their work or creating an intimidating or offensive or hostile work environment.
5. humiliating treatment likely to affect their health or safety.
6. humiliating treatment likely to affect the health and safety of the aggrieved person.
7. offensive or derogatory remarks about sexual orientation (e.g., being gay or straight).
8. offensive or derogatory remarks about a person's transgender status or gender transition.
9. forbids sexual orientation and gender identity discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment

G. In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of any employee irrespective of sex, gender, identity, will be considered as sexual harassment this conduct includes:

(i) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, molestation, advances, or propositions; Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references; demeaning, insulting, intimidating, or sexually suggestive comments (oral or written) about an individual's personal appearance or electronically transmitted messages.

(ii) The display in the workplace of demeaning, insulting, intimidating, pornographic or other offensive or derogatory or sexually suggestive objects, pictures, photographs.

(iii) Based on these criteria, sexual harassment typically is categorized into two types:

- **"Quid Pro Quo (this for that) Harassment"**: Sexual harassment by managers and supervisors generally is considered "quid pro quo" harassment when it involves the solicitation of sexual favors in exchange for some type of employment decision. To prove quid pro quo harassment, a complaining employee must show that he/she was subject to an unwelcome request for sexual favors by a supervisory employee and that his/her acquiescence to, or rejection of, the request was used as the basis for decisions affecting his / her compensation, terms, conditions, or other privileges of employment. Preferential Treatment also may constitute quid pro quo harassment.

- **"Hostile Work Environment Harassment"**: Harassment by non-supervisory employees generally falls into the category of "hostile environment" sexual harassment rather than "quid pro quo" harassment. Typically, there is no direct link between the offensive conduct and a tangible job benefit or detriment in hostile environment cases. An employer is responsible for hostile environment harassment by non-supervisory employees only if the employer knew or should have known of the harassment and failed to take immediate and appropriate remedial action.

H. Sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non -employees, is prohibited.

I. Any of the above conduct, or other offensive conduct, directed at individuals because of their race, caste, creed, religion, physical disability, family background, pregnancy or age is also prohibited.

J. "Workplace" includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit. Any place visited by the employee arising out of or during employment including transportation provided by the employer for undertaking such journey.

IV. Internal committee

Pursuant to and in compliance with the judicial guidelines of Supreme Court and as required by the 2013 Act, every Company shall constitute an Internal Committee also referred as "Compliance Redressal Committee" for the prevention of sexual harassment: deterrence and redressal of complaints of sexual harassment.

The primary function of the committee is the redressal of complaints of sexual harassment through a formal process of screening of complaints and conducting of enquiries. The aim of the committee is to address issues of sexual harassment in order to safeguard and expand the culture of gender sensitivity, equality and tolerance in the company.

Every complaint received shall be forwarded to the Internal Committee formed under the policy for redressal. The investigation shall be carried out by Internal Committee constituted for this purpose.

Internal Committee has been constituted of the following members as nominated by the Company.

a. A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
b. Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
c. One member shall be from amongst non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The Name of the Members of the Internal committee is as per ***Annexure A*** of this Policy and any change in such composition shall be affected in the policy by at least half the total members of the Committee who have to be women. The Presiding Officer shall hold office for such periods, not exceeding three years, from the date of their nomination as may be specified by the employer.

The Committee members will be provided with necessary training inputs to handle such issues effectively and with the required sensitivity and concern.

Power of the Internal Committee

For the purpose of enquiry, the Internal Committee shall have the same powers as are vested in a civil court under Code of Civil Procedure 1908 when trying a complaint in respect of the following matters.

a. Summoning and enforcing the attendance of any person and examine him on oath.
b. Requiring discovery and production of documents.
c. Any other matter which may be prescribed

V. Complaint procedure and redressal mechanism

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee (email: icposh@protium.co.in) giving details of the sexual harassment meted out to her/him within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if any circumstances warrant such extension in the opinion of the Internal committee, for reasons to be recorded in writing.

a. The Presiding Officer or any Member of the Internal committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
b. On receipt of complaint, the Internal Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal committee shall follow the principles of Natural Justice while handling such complaints.

Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by-

a) a relative or friend; or

b) a 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 person.

Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by-

a) a relative or friend; or

b) a special educator' or

c) a qualified psychiatrist or psychologist; or

d) the guardian or authority under whose care they are undergoing treatment or care; or

e) any person who has knowledge of the incident jointly with any of the above.

Where the aggrieved person 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 their written consent.

Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

Internal committee on receipt of such written complaint, may, if required, ask the aggrieved person to furnish additional information about the alleged harassment.

The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal committee through following mode:

a. Copy of complaint along with supporting documents and names and address of witness shall be sent to Internal committee.
b. On receipt of such complaint, the Internal committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
d. The Internal Committee shall investigate in detail into the matter of the complaint. The Internal Committee shall have the right to call the person against whom the complaint is made or any other witnesses as and when necessary.
e. During the enquiry process, the Complainant and the Respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
f. The Committee will conduct enquiry in accordance with the principles of natural justice and will ensure to give both parties, the aggrieved as well as the respondent, a right to be heard and present their case before the Committee.
g. The Committee shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid anti-retaliation against the witnesses.

h. Internal Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or Complainant remains absent for 3 consecutive hearings, without sufficient cause, provided that such termination or ex-parte Order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.
i. The Internal Committee must complete its investigation within a period of 90 days.
j. The parties shall not be allowed to bring any legal practitioner to represent their case at any stage of the proceedings before the Internal committee.
k. For conducting an enquiry, the quorum of the Internal committee shall be of 3 members including the Presiding Officer.

The Internal Committee may, before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal committee shall ensure that:

a. Monetary settlement will not be made as a basis of conciliation.
b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal committee.

The Internal committee may during such investigation may exercise the power of a civil court, vested in it, in respect of:

a. summoning and enforcing the attendance of any person and examining him under oath.
b. requiring discovery and production of documents.
c. any other prescribed matter.

During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:

a. to transfer the aggrieved person or the respondent to any other workplace.
b. Grant leave to the aggrieved person of up to three months which is in addition to leave to which he/she/they is otherwise entitled. Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work at the workplace.

VI. Action

1. The Committee shall, on completion of the enquiry, provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.

2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.

3. If the Internal committee arrives at the conclusion that the allegation against the respondent has been proved, or if such complaint is proved to be false or malicious, it shall recommend action which may include action as per matrix below or any action over and above the following matrix:

Penalty Matrix	Disciplinary action
Minor	Warning Reprimand Written apology to the Complainant
Moderate	Withholding of promotions/increment, Rescinding of bonus, Carrying out community service Transfer from present location
Stringent	Compensation or deduction from the salary/ wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, Suspension/Termination/dismissal from employment, Legal action under the Criminal Code

- Such action will be taken within 60 days of receipt of the report.
- During the pendency of inquiry, the Internal Committee may recommend action by the employer on some of the written request made by Aggrieved Person.

VII. Awareness

1. All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this policy shall be addressed by the HR team.

2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in Protium during their initial Induction.

3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.

4. Company shall display the notice showing the name of the Internal committee members at its every establishment at a conspicuous

Responsibility of the Employee

1. Any employee who believes that a supervisor's, manager's or other employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the Complaint Redressal Committee as constituted under the code. (Referred as Committee).
2. The employee should keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a

record can strengthen the case and help the employee remember the details over time, in case the complaint is not filed immediately.

3. The employee should file a complaint as soon as possible to the complaint redressal committee formed for this purpose

VIII. False accusations

The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.

If the Internal Committee comes to a conclusion 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 Internal Committee may recommend action to be taken against the person who has made the complaint or take disciplinary action as it deem fit, including termination of service. In such a case, malicious intent must be established after an inquiry before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for acting would be recommended against any witness whom the Internal Committee concludes that he/she/they has given false evidence or produced forged or misleading documents.

It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. Organization 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 be false accusations.

IX. Secrecy not withstanding anything contained in RTI Act'2005

The Identity, address of an Aggrieved Person, Respondent and witness, any information relating to conciliation and inquiry preceding, recommendation of Internal Committee, action taken by employer shall not be published, communicated, or made known to public, press and media in any manner.

X. Miscellaneous

1. Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds necessary to do so in compliance with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
3. The Internal Committee shall prepare an annual report with the following detail sand shall submit the same

    a. to the Company to include in its Annual report:
    b. Number of complaints of sexual harassment received during the year;
    c. Number of complaints disposed off during the year;
    d. Number of cases pending for more than 90 days;
    e. Number of workshops or awareness program against sexual harassment carried out;

f. Nature of action taken by the employer.

4. The above Annual Report and the MIS should be prepared by the Human Resources Department and shall be submitted before the end of a financial year to the Senior Management of the Company.

XI. Consequences of violations of policy

Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The Company prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

XII. Conclusion

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior. Also, all efforts shall be made to ensure objectivity and thoroughness of the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the Respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

ANNEXURE A: Protium Finance Limited_Posh Internal Committee

Sr. No.	Name	Designation	Email ID
1	Ms. Samriddhi Chowdhary	Presiding Officer_Associate Partner	samriddhi.chowdhary@protium.co.in
2	Ms. Anshu Mohta	Company Secretary & CCO	anshu.mohta@protium.co.in
3	Ms. Sheetal Divakar Karambar	Member _ Managing Director	sheetal.karambar@protium.co.in
4	Mr. Rohit Bagal	Member _ Associate Partner	rohit.bagal@protium.co.in
5	Dr. Anagha Sarpotdar	External Member	anagha75.sarpotdar@gmail.com

ANNEXURE B: Protium Business Services Private Limited_Posh Internal Committee

Sr. No.	Name	Designation	Email ID
1	Ms. Samriddhi Chowdhary	Presiding Officer_Associate Partner	samriddhi.chowdhary@protium.co.in
2	Ms. Anshu Mohta	Company Secretary & CCO	anshu.mohta@protium.co.in
3	Ms. Sheetal Divakar Karambar	Member _ Managing Director	sheetal.karambar@protium.co.in
4	Mr. Rohit Bagal	Member _ Associate Partner	rohit.bagal@protium.co.in
5	Dr. Anagha Sarpotdar	External Member	anagha75.sarpotdar@gmail.com