

# **Policy on Prevention of Sexual Harassment at Workplace**

## **Objective:**

PDS Limited (the “Company”) is committed to conducting and governing ourselves with ethics, transparency, and accountability and to this, we have developed governance structures, practices and procedures that ensure that ethical conduct at all levels is promoted across our Company. It is thus in acknowledgement of and consonance with these values, that we are dedicated to ensuring that the work environment at all our locations is conducive to fair, safe, and harmonious relations, based on mutual trust and respect, between all the employees of the Company.

The Company aims to provide a safe working environment and prohibits any form of sexual harassment.

Hence any act of sexual harassment or related retaliation against or by any employee is unacceptable. This Policy, therefore, intends to prohibit such occurrences and also details procedures to follow when an employee believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding sexual harassment.

Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of policy.

All managers to ensure that they themselves as well as their team, including new joiners, are aware of the Policy on Prevention of Sexual Harassment in place and strictly adhere to it.

Company will promptly investigate all complaints and take appropriate action, up to and including termination of employment.

## **Scope**

The scope of the Policy is restricted to the following for all employees:

- business locations of the Company
- any external location visited by employees due to or during the course of their employment with the Company such as business locations of other Companies/entities, guest houses or any location where a company event is being organized etc.
- any mode of transport provided by the Company (or a representative of the Company) for undertaking a journey to and from the aforementioned locations.
- at any other location whether in India or outside India.

### **Applicability:**

This Policy will extend to all employees of the Company and its Subsidiary / Associates & Group Companies in India including those employed on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, whether for the remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

The Policy also extends to those who are not employees of the Company, such as customers, visitors, vendors, suppliers, contract worker, probationer, trainee, apprentice or called by any other such name, but are subjected to sexual harassment at the Premises (defined hereinafter) of the Company.

### **Definitions/Key Terms:**

- a. Company - Company means “PDS Limited”.
- b. “Complainant” The party who makes the Sexual Harassment Complaint or is a victim of Sexual Harassment.
- c. “Internal Complaints Committee” or “the Committee” means the Internal Complaints Committee constituted under this Policy.
- d. “Employee” shall mean and include, all employees, contract labour in the utilization of the Company, apprentices/interns, trainees, officers, all directors (external and internal) and consultants of the Company.
- e. “Member” means a Member of the Internal Complaint Committee.
- f. “Policy” means the Policy of PDS Limited for prohibiting Sexual Harassment.
- g. “Presiding Officer” means the Presiding Officer of the Internal Complaints Committee nominated under the policy.
- h. “Respondent” means a person against whom the aggrieved party has made a complaint under this policy.
- i. “Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) by any gender 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. implied or explicit promise of preferential treatment in employment; or
  - vi. implied or explicit threat of detrimental treatment in employment; or
  - vii. implied or explicit threat about present or future employment status; or

- viii. interference with work or creating an intimidating or offensive or hostile work environment for her; or
- ix. humiliating treatment likely to affect the Complainant's health or safety.
- x. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.
- j. "Workplace" shall mean and include the registered office premises located at # Unit No. 971, Solitaire Corporate Park Andheri Ghatkopar Link Road, Andheri East, Mumbai – 400093, Maharashtra, India and any other such offices/branches of the Company.

### **Preventive Actions:**

The Company will take reasonable steps to ensure prevention of sexual harassment at work which may include circulating applicable policies, conducting training and awareness programmes and other relevant information to all employees, including to all new joiners.

### **Rights and Responsibilities of an Employee**

Every employee is entitled to a work environment that is free from Sexual Harassment.

- Every employee shall be entitled to complaint against Sexual Harassment to which he/she was subject to or which was targeted at him/her, to the Internal Complaints Committee established under this Policy.
- Any incident of Sexual Harassment that comes to the knowledge of any employee shall be reported to the Internal Complaints Committee promptly.
- Anybody who complains to the Internal Complaints Committee or participates in the investigations of the Committee for giving evidence or statements shall not be victimized or subject to any unfavourable treatment in the conditions of his/her work.

### **Internal Complaints Committee**

The Company shall have an Internal Complaints Committee at all locations, to specifically address any complaints of sexual harassment. The Committee will be constituted by the Company and would be headed by a Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees. In case the senior level officer is not available, Presiding Officer shall nominate the senior level officer from other locations.

The Members of the Committee shall be constituted by the management consisting of the following:

- A presiding officer who shall be a woman employed at a Senior level at workplace from among the employees.
- Not less than two members from amongst employees preferably committed to cause of the women or who had experience in social work or have a legal knowledge.
- One member from amongst non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- At least one-half of the total Members shall be women.

The Presiding Officer and every Member of the Internal Complaint Committee shall hold office for a period of not exceeding three years from the date of their nomination.

### **Procedure of filing a Complaint**

- The complaint should be made by an aggrieved employee within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved employee shall be made to the Committee in writing and be sent either by post/email or given in person to the committee in writing.
- If the Group CHRO of the Company receives a complaint through any official helplines, they shall forward the same to the Committee.
- The Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint within the said period. Where the employee is unable to make a complaint on account of his physical or mental incapacity or death or otherwise, the employee legal heir may make a complaint under this section. It is, however, pertinent to state that where the aggrieved employee is unable to make a complaint on account of her physical incapacity, a complaint may be filed by—
  - ✓ the employees relative or friend; or
  - ✓ the employee's co-worker; or
  - ✓ an officer of the National Commission for Women or State Women's Commission; or
  - ✓ any person who has knowledge of the incident, with the written consent of the aggrieved employees.
- Where the aggrieved employee is unable to make a complaint on account of the employee's mental incapacity, a complaint may be filed by—

- ✓ the employee's relative or friend; or
- ✓ a qualified psychiatrist or psychologist; or
- ✓ the guardian or authority under whose care the employee is receiving treatment or care; or
- ✓ any person who has knowledge of the incident jointly with her relative, friend,, or guardian or authority under whose care the employee is receiving treatment or care.

**Notes:**

- Where the aggrieved employee 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 her written consent.
  - Where the aggrieved employee is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- The complaint should be accompanied by the supporting documents and the name and address of the witnesses if any to the incident.
  - The Committee may, before initiating an inquiry and at the request of the aggrieved employee take steps to settle the matter between the aggrieved employee and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement is arrived, no further inquiry shall be conducted by the Committee, as case may be. The Committee shall provide the copies of the settlement as recorded to the aggrieved employee, respondent, and the Company, for records. In case the conciliation fails to arrive at a settlement or if the aggrieved employee informs the Committee that the terms and conditions of the settlement have not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint filed before the Committee.

**Process of Enquiry**

- The Internal Complaints Committee shall, upon receipt of a complaint from the complainant will analyse and review the complaint at length to see if there is a prima facie case of Sexual Harassment conducted against the complainant by the respondent.
- Within 7 days of receiving a complaint, the Internal Complaints Committee will inform the respondent in writing that a complaint has been received. The respondent will have an opportunity to respond to the complaint in writing within 10 days thereafter.

- If the Chairperson is satisfied that there is no prima facie case of Sexual Harassment has occurred as complained of, she shall dismiss the complaint after recording in writing reasons, therefore.
- The statements and other evidence obtained in the inquiry process will be considered confidential.
- The Committee will organize verbal hearings with the complainant and the respondent, in accordance with the principle of natural justice.
- During the course of inquiry, the Committee shall make a copy of the findings available to both the Parties enabling them to make representations against the findings before the Committee.
- The Committee will take testimonies of other relevant persons and review the evidence wherever necessary. The committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- During the inquiry process, the complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- The committee will conduct inquiry in accordance with the practices of natural justice, i.e., the Complainant will be offered to the respondent for cross-examination and vice versa.
- The Committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidence, and relevant statements.
- The Committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigating a complaint:
  - ✓ Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents.
  - ✓ Upon completion of the investigation, both parties will be informed of the results of the investigation.
- The Committee will be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that victims or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the Committee will also have the discretion to make appropriate interim recommendations in relation to a respondent person (pending the outcome of a complaint) including suspension, transfer, leave, change of work location etc.
- The Committee shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the aggrieved employee or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearing convened by the Presiding officer, provided fifteen (15) days advance notice is



provided to the party concerned, provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- For the purpose of making an inquiry, the Committee shall have the same powers as are vested in the civil court under Code of Civil Procedure, 1908.
- The committee will investigate and prepare an enquiry report with recommendations within ninety (90) days.
- The parties to the complaint shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.
- During the pendency of inquiry, on a written request made by the aggrieved employee, the Committee, may recommend to the Company to -
  - ✓ transfer the aggrieved employee or the respondent to any other workplace; or
  - ✓ grant leave to the aggrieved employee; or
  - ✓ grant such other relief to the aggrieved employee as may be prescribed.
- The leave granted to the aggrieved employee under this section shall be in addition to the leave he/she would be entitled to otherwise if the case is proved.
- Every employee shall cooperate with the Internal Complaints Committee in its investigation and any failure to cooperate with the Internal Complaints Committee in its investigation will be deemed as a contravention of this Policy.
- In case of complaint against an employee, who is/are members of the Internal Complaints Committee, the /Group Chief Executive Officer will entrust the proceedings to any other senior and qualified Manager/s who shall have the same powers as the Internal Complaints Committee in implementing this Policy.
- Once the investigation is completed, the Committee shall provide a report of its findings to the Company/ /Group Chief Executive Officer, within ten (10) days from the date of completion of the inquiry and such report shall be made available to the concerned parties. The Company shall act upon the recommendation of the Committee within sixty (60) days of receipt of the report of the Committee.

### **Determination of Compensation**

For the purpose of determining the sums to be paid to the aggrieved employee, the Committee shall have to regard the following:

- the mental trauma, pain, suffering, and emotional distress caused to the aggrieved employee.
- the loss in the career opportunity due to the incident of sexual harassment; medical expenses incurred by the victim for physical or psychiatric treatment.
- the income and financial status of the respondent; and
- feasibility of such payment in lump sum or in instalments

### **Confidentiality**

Identity of any individual who complains to the Internal Complaints Committee or participates in the investigations of the Committee for giving evidence or statements, if required, shall be kept confidential. The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

### **Prohibition of Publication or making known content of Complaint or Inquiry**

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

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity, or any other particulars calculated to lead to the identification of the aggrieved employee, respondent, and witnesses.

### **Duties of the Employer**

The Company shall—

- provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- display at any conspicuous place in the workplace, the penal consequences of sexual harassments.
- organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Committee in the manner as may be prescribed.



- provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry.
- assist in securing the attendance of respondent and witnesses before the Committee.
- make available such information to the Committee as it may require having regard to the complaint made.
- provide assistance to the aggrieved employee if he/she so chooses to file a complaint against the respondent in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved employee so desires, where the perpetrator is not an employee, in
- the workplace at which the incident of sexual harassment took place.
- treat sexual harassment as a serious misconduct under the disciplinary policy of the Company and initiate action for such misconduct.
- monitor the timely submission of reports by the Committee.

### **Penalties**

- Every employee who lodges a false complaint shall be liable for disciplinary action as per the rules of the Company.
- An employee who threatens or intimidates another employee who has made a complaint under this policy or any witness thereof shall be liable for disciplinary action as per the rules of the Company.
- Any violation of this policy by an employee would be subject to action as deemed appropriate by the Internal Complaints Committee (including non-disclosure of any sexual harassment in the workplace).

### **Miscellaneous**

- The Internal Complaints Committee shall ensure a quorum of at least 3 members when taking a decision/meeting.
- All records relating to complaints, investigations, and meetings of the Internal Complaints Committee shall be maintained and disclosed to the relevant authorities as required by any law in force in India pertaining to Sexual Harassment.
- As per the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the employer shall include in its

report the number of cases filed, if any, and their disposal under this Act in the annual report of the Company or where no such report is required to be prepared, intimate such number of cases, if any, to the district officer.

### **Ownership and Review:**

**Ownership:** This Policy shall be owned and administered by the Human Resources Team.

**Review:** The Management shall have the power to make and vary such clauses in this policy, as it thinks fit and the same shall be reviewed as and when required.

### **Version History:**

Version No.	Approved on	Created by	Approved by
1	February 14, 2020	Human Resource & Compliance Team	Board of Directors
2.	May 27, 2021	Human Resource & Compliance Team	Board of Directors
3.	May 16, 2022	Human Resource & Compliance Team	Board of Directors

