

PREVENTION OF SEXUAL HARRASSMENT POLICY

1. INTRODUCTION

1.1 Purpose

The purpose of this policy is to create a healthy and safe Workplace¹ for Company Personnel, where they can work without fear of prejudice, gender bias or sexual harassment. The Company has a zero-tolerance policy for harassment, intimidation, or humiliation of any kind in the workplace.

1.2 Applicability

This policy is applicable to Company Personnel. All actions prohibited under this policy are also applicable to individuals who are in the Company's premises or any other property where the Company conducts its business. This would include any action prohibited under the policy at any place visited by Company Personnel arising out of or during the course of employment, including transportation.

1.3 Scope

This policy is in line with the provisions specified in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "**POSH Act**") and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as "**POSH Rules**") and draws upon the definitions as prescribed in the POSH Act and POSH Rules.

2. POLICY

No Company Personnel shall be subjected to sexual harassment at Workplace. In the event of an incident involving sexual harassment, the Company provides for a complaint and redressal procedure as laid down in this policy to prevent, investigate and punish acts or behavior purporting to sexual harassment.

¹ "Workplace" includes any department, organization, undertaking, establishment, enterprise, institution or any other place/property where Company conducts its business. It would also include any place visited by a Company Personnel arising out of or during the course of employment, including transportation provided by the Company for undertaking a journey.

For this policy, **‘Sexual harassment’** would mean a misconduct and include any one or more of the following unwelcoming acts or behavior (whether directly or by implication), i.e., the below act(s)/behavior, which might occur as a single incident or a series of incidents and may manifest in different forms:

- Unwelcome sexual advances, demand, or requests for sexual favors, and / or verbal or physical conduct of a sexual nature either explicit or implicit;
- When unwelcome sexual advances are made through loaded comments, remarks or jokes, letters, phone calls, messages (SMS, WhatsApp etc.), or through e- mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual’s performance or of creating an intimidating, hostile or offensive environment;
- Forcible physical contact and advances or molestation; and
- Eve teasing, innuendos and taunts, physical confinement against one’s will and any other act likely to intrude upon one’s privacy.

Following circumstances, if occur or present in relation with any act or behavior of sexual harassment directed at a Company Personnel may also amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about his/her present or future employment status;
- Interference with work or creating an intimidating or offensive or hostile work environment; and
- Humiliating treatment likely to affect his/her health or safety.

3. RESPONSIBILITIES OF COMPANY PERSONNEL

Every Company Personnel shall be responsible for:

- Reading, understanding, and complying with the policy provided at the time of induction and as amended from time to time;
- Completing all required training(s) related to this policy in a timely manner;
- Reporting any instances, known, or suspected, of Sexual Harassment to the appropriate authority as soon as possible; and
- Seeking advice from Internal Committee (“IC”) when unsure of how to proceed.

4. OBLIGATIONS OF THE COMPANY

The Company shall be responsible for:

- Conducting yearly workshops and/or trainings for its personnel to spread awareness of the provisions of the policy;
- Ensuring that all its personnel have been furnished a copy of the policy at the time of induction and they have read the policy. Furthermore, any amendment in the policy will be communicated to the Company Personnel from time to time;
- Providing assistance to the Company Personnel, if he/she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- Displaying at conspicuous place(s) in the workplace, the penal consequences of sexual harassment and the order constituting the Internal Committee (“IC”);
- Forming an Internal Committee (“IC”) for each company as per the provisions of the POSH Act and ensuring that Company Personnel are aware of the Internal Committee (“IC”) and contact information of the members of the Internal Committee (“IC”);
- Make available information related to Sexual Harassment information to the Internal Committee or the Local Committee, as the case may be;
- Ensuring the independence and autonomy of the Internal Committee (“IC”);
- Providing assistance to the Internal Committee (“IC”) as required, for instance providing facilities for conducting meetings and facilitating attendance of the parties and witnesses;
- Implementing the recommendations/directions of the Internal Committee (“IC”); and
- Monitoring the timely submission of reports by the Internal Committee (“IC”).

*Refer **Annexure 1** for timelines to be adhered to by the Internal Committee (“IC”) and Company.*

5. INTERNAL COMMITTEE (“IC”) FOR COMPLAINT REDRESSAL

An Internal Committee (“IC”) has been constituted by the Company to consider and redress all cases of sexual harassment escalated by Company Personnel, to prevent and deal with sexual harassment and to otherwise implement the policy. The names of members of the Internal Committee (“IC”) appointed from time to time shall be displayed at conspicuous place(s) in the workplace for the information of the Company Personnel along with their contact information, email, designation, and role in the committee. The constitution of the Internal Committee (“IC”) is set out in **Annexure 2**. The Presiding Officer and every Member of the Internal Committee (“IC”) shall hold office for such period, not exceeding three years, from the date of their nomination, as may be specified by the employer.

The Internal Committee (“IC”) may be reconstituted at the discretion of the Management if the context of the complaint so requires and in accordance with applicable law. The current requirements prescribe the structure of the Internal Committee (“IC”) as stated in **Annexure 3**.

6. GRIEVANCE PROCEDURE

6.1 Procedure for Lodging a Complaint

Where a complaint cannot be made in writing by the complainant, the Presiding Officer or members of the Internal Committee (“IC”) shall extend all reasonable assistance to the complainant to make the complaint in writing. Further, where the complainant is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:

- (a) his/her relative or friend; or
- (b) his/her co-worker; or
- (c) an officer of the National Commission for the Women or State Women’s Commission; or
- (d) any person who has knowledge of the incident and who has written consent of the complainant.

The complainant shall provide supporting documents, names and addresses of witnesses along with the complaint and will be always afforded strictest confidentiality by the Internal Committee (“IC”).

The written complaint should be in the format as set out in **Annexure 4**.

6.2 Conciliation Process

The Internal Committee (“IC”) may, before initiating inquiry, at the request of the complainant, take steps to settle the matter through a conciliation process, which shall be completed as soon as possible from the date of the receipt of the complaint. All settlements shall be recorded in writing by the Internal Committee (“IC”). However, no monetary settlement shall be made as a basis for conciliation.

If prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code. Where no settlement has been reached, or if the complainant informs the Internal Committee (“IC”) that settlement arrived at as a result of such conciliation has not been complied with by the counter party, the Internal Committee (“IC”) shall proceed to conduct the inquiry no later than three (3) days from the date of failure of conciliation process or non-compliance by the counter party of the settlement arrived at by the conciliation process, as the case may be.

6.3 Interim reliefs

At the request of the complainant, the Internal Committee (“IC”), or the Local Committee² (as the case maybe) may recommend to the Company to provide interim measures such as:

- transfer of the aggrieved personnel or the counter party to any other workplace;
- granting leave to the aggrieved personnel up to a period of three (3) months in addition to his/her regular statutory/ contractual leave entitlement;
- restrain the counter party from reporting on the work performance of the aggrieved personnel or writing his/her confidential report to the person to whom duties of aggrieved personnel have been transferred;
- preventing the respondent from assessing complainant’s work performance; and
- granting such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the Company shall inform the Internal Committee (“IC”) regarding the same.

6.4 Procedure for Inquiry

Detailed procedure for conducting inquiry as stated in **Annexure 5** must be followed.

6.5 Findings and Recommendations

If the Internal Committee (“IC”) arrives at the conclusion that the allegations against the counter party have been proved, it shall recommend to the Senior Management to take such action as may be appropriate for Misconduct and Serious Misconduct as per Code of Conduct and Ethics Policy of the Company. Such actions may include one or more of the following:

- Written apologies;
- Warnings;
- Fine;
- Reprimands or censure;
- Demotion in grade and pay cut;
- Withholding of increments;
- Termination of employment;
- Blacklisting of the Company Personnel; or

² Local Committee shall have the same meaning as defined under the POSH Act.

- Any other penalty as per the POSH Act.

The POSH Act also envisages payment of compensation to the aggrieved personnel. The compensation payable shall be determined based on the following factors as prescribed under Section 15 of the POSH Act:

- the mental trauma, pain, suffering, and emotional distress caused to the aggrieved personnel;
- the loss in career opportunity due to the incident of sexual harassment;
- medical expenses incurred by the victim for physical/ psychiatric treatment;
- the income and status of the alleged perpetrator; and
- feasibility of such payment in lump sums or in installments.

In the event, when the counterparty fails to pay the aforesaid sum, Internal Committee (“IC”) may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

If the Internal Committee (“IC”) concludes that the complaint was false, frivolous, or malicious in nature, it shall make appropriate recommendations to the Management for actions against the complainant, as deemed necessary.

However, mere inability to substantiate a complaint or provide adequate proof will not attract any action and further inquiries shall be conducted before any action is recommended against the complainant.

7. APPEALS AND ALTERNATE LEGAL REMEDIES

- Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the POSH Act and POSH Rules, within ninety (90) days of the recommendations being communicated.
- Nothing in this policy shall prevent the complainant or the counter party from pursuing legal remedies or seeking resolution through government agencies or the courts of law of the country. If the complainant decides to pursue personal action against the counter party, the Company shall provide all assistance and cooperation in any investigation by the relevant law enforcement agencies.

8. CONFIDENTIALITY

- The Company shall make every reasonable effort to maintain the confidentiality of all parties involved in any proceeding under this policy. Specifically, content of the complaint made, identity and addresses of the complainant, counter party and witnesses, information pertaining to enquiry proceedings, recommendations to Internal Committee (“IC”) and action taken shall not be published, communicated, or made known to public, press or media in any manner. As per the POSH law, all information related to the case shall be maintained in a strictly confidential manner and if made available to the public it will incur a penalty for making known the contents of complaint and inquiry proceedings.
- In case clarification is required for dissemination or use of any such information, appropriate legal guidance should be obtained from the legal advisors.

9. REVIEW AND REVISION OF THIS POLICY

The Board of Directors or any other analogous body of the Company shall have power to modify or replace the policy in part or full as may be thought fit from time to time in its absolute discretion.

In case any provisions of the policy are contrary to or inconsistent with the provisions under the POSH Act and POSH Rules, the provisions of POSH Act and POSH Rules shall prevail.

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ANNEXURES

Annexure 1- Timelines for Internal Committee ("IC") and Company

Activities	Timelines
Submission of the complaint	Within 3 months of the last incident. Can be extended by Internal Committee ("IC") for a period not exceeding 3 months, if there are satisfactory circumstances which prevented the Complainant from filing the Complaint within the said period.
Notice to the counter party	The Internal Committee ("IC") shall provide a copy of the complaint to the counter party within seven (7) working days of the receipt of the complaint.
Reply of the counter party	The counter party shall file its reply along with list of documents, names and addresses of witnesses no later than ten (10) working days to file a reply along with a list of documents, names and addresses of witnesses.
Completion of inquiry	Inquiry shall be completed, and the report of the Internal Committee ("IC") submitted within a period of ninety (90) days from the date of the Complaint.
Submission of report by the Internal Committee ("IC") to the Company	The Internal Committee ("IC") shall complete the inquiry and make a report of its findings on the complaint and its recommendations to the Senior Management within a period of ten (10) days from the conclusion of the inquiry.
Implementation of recommendations	Senior Management shall act upon the recommendation of the Internal Committee ("IC") no later than sixty (60) days of the receipt of IC's report.
Appeal	Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within ninety (90) days of the recommendations being communicated.
Internal Committee ("IC") to submit number of sexual harassment cases filed and disposed of during the year	Annually, in the annual report

Annexure 2- Constitution of Internal Committee ("IC")

Please refer to the Glossary for details of Internal Committee ("IC") members.

The Internal Committee ("IC") shall comprise of at least 4 (four) members including:

- Presiding Officer: Shall be a female Company Personnel at senior level;
- Minimum 2 (two) members who shall be Company Personnel, preferably with experience in social work or have legal knowledge; and
- 1 (One) member from amongst the NGOs or associations committed to the cause of women or a person familiar with the issues related to sexual harassment.

Provided that at least one half of the total members so nominated shall be women.

Refer this link <<*hyperlink of ICs list on companies' website*>> for composition of Internal Committee ("IC") for Cube Advisors & Group Company(ies) and their respective email IDs on which complaints can be sent to the Internal Committee ("IC") members.

Annexure 3- Structure of Internal Committee (“IC”)

Particulars	Eligibility criteria
Structure/Composition	<ul style="list-style-type: none">• A Presiding Officer shall be a woman employed at a senior level.• In case a senior level female personnel is not available; Presiding Officer shall be nominated from other offices or administrative units of the Company.• In case the other offices, or administrative units of the Company do not have a senior level female personnel, Presiding Officer shall be nominated from senior level of personnel of any associated entity of the firm – which would mean and include related Company, associated Company, subsidiary, sub-licensees of the members companies etc.• Not less than two members from amongst the Personnel preferably committed to cause of the women, or who have had experience in the social work or have legal knowledge.• One member from amongst non-governmental organization or associations committed to the cause of the women, or a person familiar with the issues relating to sexual harassment.• At least one half of the total members so nominated shall be women.• The term of the Internal Committee (“IC”) members shall not exceed 3 (three) years.

Annexure 4- Form of Complaint

Name, designation & address of the Complainant(s):

Name, designation & address of the Counter Party(ies):

Reporting Structure between the Complainant and the Counter Party:

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Complaint:

(Explain in detail)

Any witness (name and address):

Any supporting document or material:

Relief sought:

Time:

Date:

Signature:

Annexure 5- Procedure of Inquiry

- Where no conciliation is requested by the Complainant or if any settlement/conciliation has been unsuccessful, the Internal Committee ("IC") shall, within a period of three (3) days of the receipt of the Complaint or conclusion of the conciliation process, proceed to conduct an inquiry into the allegations of sexual harassment, in accordance with the procedure prescribed.
- The Internal Committee ("IC") shall conduct the inquiry in accordance with principles of natural justice.

It will broadly be governed by the following principles in conducting its proceedings:

- The Internal Committee ("IC") shall give every reasonable opportunity to the Complainant and the Counter Party for putting forward and defending their respective cases.
- Both the Complainant and the Counter Party shall have the right to submit supporting evidence and shall have the right to bring their respective witnesses, if any, to be examined by the Internal Committee ("IC").
- If the Complainant or the Counter Party fails, without sufficient cause, to be present before the Internal Committee ("IC") for 3 (three) consecutive hearings, the Internal Committee ("IC") shall give a notice of fifteen (15) days to the concerned party before terminating the inquiry proceedings or issue an ex- parte decision.
- The Complainant, the Counter Party, or any other person(s) that the Internal Committee ("IC") interacts with for the purpose of investigating the allegations contained in the Complaint, shall be bound by strict confidentiality.
- The Internal Committee ("IC") shall record and maintain records/summaries of all its proceedings.
- In the event, either Party is desirous of submitting a statement in writing, such statement shall be endorsed by the said party for authenticity thereof and submitted to the Internal Committee ("IC").
- Inquiry shall be completed, and the report of the Internal Committee ("IC") shall be submitted within a period of ninety (90) days from the date of the Complaint.
- The Internal Committee ("IC") shall complete the inquiry and make a report of its findings on the Complaint and its recommendations to the Senior Management within a period of ten (10) days from the conclusion of the inquiry.
- This report shall include recommendations for penalties and the reasons for such recommendations. The Senior Management shall consider the recommendations and findings of the Internal Committee ("IC") and decide on the course of action to be taken. The Senior Management shall provide all necessary assistance to the Internal Committee ("IC") for the purpose of ensuring full, effective and speedy investigations of complaints of sexual harassment at workplace in accordance with the policy.