

POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE (POSH)

Note from the CEO

Dear Employee,

As an organization, we expect you to deliver your best in all circumstances and it is our responsibility to ensure that you work in a safe, secure, fearless and congenial work environment. In order to achieve this, it is important to protect you against harassment of all kinds and the anti-sexual harassment policy is launched with an intent to provide a work environment free from sexual harassment.

The anti-sexual harassment policy attached herewith governs conduct in the workplace and is binding upon all employees.

We encourage you to discuss any issues you may have in this area in your meetings with your manager or Human Resources and other forums appropriate for such discussions. The primary focus for all of us would be to build an environment free of any kind of harassment or threat or fear. However, in the event of such an occurrence the organization would take the complete responsibility to provide redressal.

The concerns and reports can be made without fear of reprisal or retaliation. All allegations of sexual harassment will be quickly and discreetly investigated, and the disciplinary action will be initiated as per the details provided in this policy. To the extent possible, the identity of the Aggrieved, Witnesses and the Harasser (Respondent) will be protected against unnecessary disclosure. All efforts shall be made to ensure that all proceedings remain confidential.

This version of the policy is effective from **13 Dec 2022** and supersedes all prior policies and communication on this matter.

Regards,

Anurag Sinha
CEO

FPL POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE

1. PURPOSE:

This policy provides protection against sexual harassment at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. More specifically the purpose of this Policy is following:

- i. To create and maintain safe work environment, free from sexual harassment & discrimination for all its employees as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 hereinafter referred to as POSH Act, 2013.
- ii. To set forth the expectations of conduct and mutual respect at the workplace with a focus on prevention of sexual harassment and setting the process of complaint if these expectations are not met or violated.
- iii. To articulate Company's zero tolerance to sexual harassment and to identify punishments that can be recommended for such prohibited conduct.

While this Policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the POSH Act. Please note that in the event of any conflict between the POSH Act, 2013 and the FPL POSH Policy, the provisions of the POSH Act shall prevail.

2. SCOPE:

FPL Technologies Private Limited ("FPL"/ "Company") Policy for Prevention of Sexual Harassment at the Workplace policy i.e. 'POSH policy' or 'policy' used interchangeably, covers any kind of sexual harassment or discrimination caused by any employee towards a complainant being an employee of FPL, client, vendor, contractor in the Company's premises or elsewhere in India or abroad.

3. APPLICABILITY:

All employees of the Company, at all locations. Further, for the limited purpose of this Policy, any visitors, suppliers, customers or business associates who visit the Workplace ("Third Parties") will be treated as being subject to this Policy both as Complainants and Respondents (as defined below).

4. DEFINITION:

- i. "Aggrieved Woman/Complainant" means a woman in relation to a workplace, whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent. Complainant is an aggrieved person who has made the complaint.
- ii. "Internal Complaints Committee" means a committee constituted by the Company as per this policy.
- iii. "Board" means the Board of Directors for the time being of the Company.
- iv. "Respondent" means a person against whom the aggrieved has made a complaint.

- v. “Employee” means a person employed at the 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 by any other such name.
- vi. “Workplace” for the limited purpose of this Policy means in addition to the place of work [head office / branch offices etc.] it shall also include any place where the aggrieved or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with FPL, including transportation provided for undertaking such a journey.
- vii. “Employer” means a person responsible for management, supervision and control of the workplace.
- viii. “Sexual Harassment”: Sexual harassment has many different definitions and it is not the intent of this policy to limit the definition, but to give as much guidance as possible concerning what activities constitute and imply sexual harassment. Sexual Harassment includes any such “unwelcome” sexually determined conduct or behaviour (whether directly or by implication) affecting the dignity of men and women at workplace or which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person’s employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

5. POLICY GUIDELINES:

Sexual Harassment at the Workplace includes one or series of incidents, whether direct or implied, involving Physical Contact & Sexual advances whether as

- Demand or request for sexual favors;
- Sexually- coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

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

Sexual harassment in the workplace is generally of two distinct types.

- A. *Quid Pro Quo (Conditional) Sexual Harassment*: “Quid pro quo” sexual harassment means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behaviour or speech is made a condition for employment or preferential treatment in employment. This kind of sexual

harassment also occurs when refusal to comply with a “request of sexual favour” is met with retaliatory action such as dismissal, demotion, difficult working conditions etc.

- B. *Hostile working environment sexual harassment*: Hostile working environment sexual harassment occurs where employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behaviour from the management or co-workers. This kind of behaviour makes the work environment of an employee hostile. This is the reason that such conduct creates an intimidating, offensive, oppressive, abusive or humiliating work environment which is severe and pervasive enough to interfere with a person’s ability to work and perform.

Explanation of the word ‘Unwelcome’ – Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been *unwelcome*. In other words, the complainant employee must have found the behaviour in question as offensive, repulsive or repugnant. It is the impact and effect the behaviour or conduct has on the recipient that will define the behaviour as sexual harassment.

Annexure ‘A’ of this Policy provides an indicative list of examples of behaviour which may be found to constitute sexual harassment in the workplace.

6. GRIEVANCE MECHANISM (REDRESSAL PROCEDURE):

The complaints procedure has been outlined in consideration with the applicable laws. These procedures are based on an overall process flow which is as given below:

6.1. Complaint:

If an aggrieved faces sexual harassment at the Workplace, the person can complain within a period of three (3) months from the date of the incident, and in case of series of incident, within a period of three (3) months from the date of last incident, however if Internal Committee is satisfied that the circumstances were such which prevented the aggrieved from filing a complaint within said period, they may for reasons to be recorded in writing, extend the time limit not exceeding three (3) months. The aggrieved can complain to the ICC team by:

- (i) Raising a complaint through emailing to posh@fplabs.tech
- (ii) Physically filing a complaint and submitting 6 copies using the format mentioned in Annexure B.
- (iii) Where the aggrieved is unable to make a complaint on account of their physical incapacity, a complaint may be filed by a relative or friend or a 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 woman.
- (iv) Where the aggrieved is unable to make a complaint on account of mental incapacity, a complaint may be filed by a relative or friend or a special educator’ or a qualified psychiatrist or psychologist or the guardian or authority under whose care they are receiving treatment or care or any person who has knowledge of the incident jointly with any of the above.
- (v) Where the aggrieved 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.

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

6.2. Conciliation:

The Committee may, before initiating an inquiry, and at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation. However monetary settlement cannot be made a basis of conciliation. Where a settlement is arrived at, no further inquiry shall be conducted by ICC, as the case may be.

Important Note: Withdrawal of the complaint at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act and service rules.

6.3. Inquiry:

In the absence of conciliation or where the Respondent breaches the terms of settlement arrived at during the conciliation, the ICC shall investigate into the issue and prepare a report at the end of the investigation. The committee for the purpose of its investigation would be entitled to elicit all forms of evidence, including access to written communication, witnesses, previous records, and all the employees and the organization would co-operate in this regard. On receipt of complaint, the ICC shall within a period of 7(seven) days send one of the copies of the complaint to the accused. The accused shall, within a period of 10 (ten) working days from the date of receipt of complaint from the ICC, file his/her reply to the complaint along with his/her list of documents, names and addresses of witnesses. Both the Complainant and the Respondent shall be given opportunity to present their views to the committee. After hearing both individuals and any other concerned parties in the case and based on the investigation, the ICC will prepare a case report, in writing, outlining the case, the investigation and the suggestions including the reformative action to be initiated, within no later than 90 (ninety) working days from the date of the complaint.

6.4. Interim relief:

Until the final report is prepared on the case, ICC may recommend the Company to take certain interim measures to protect the victim and provide safe working environment such as:

- (i) Transfer the complainant or the accused to any other workplace or other team; or
- (ii) Grant leave to the complainant up to a period of three months. The leave granted shall be in addition to the leave that the complainant would otherwise be entitled; or
- (iii) restraining the respondent from reporting on the work performance of the complainant or writing his/her confidential reports, and assign him/her to another team/manager; or
- (iv) Grant such other relief to the complaint as may be required; or
- (v) Please note that the company has discretion to grant such requests based on the necessity and facts and circumstances of each case.

6.5. **Final verdict:**

Where the ICC arrives at a conclusion that the allegations against the accused have been proved, 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 and it shall recommend the following to the Company:

- (i) To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of the Company governing 'conduct and discipline' as applicable to the accused; and/or
- (ii) To deduct such amounts from the salary or wages of the accused as may be considered appropriate to be paid to the complainant as per this Policy.

In addition to the above, the recommendations to the HR- of the Company may also include one or more the following:

- Written apology;
- Warning;
- Reprimand or Censure;
- Withholding of promotion;
- Withholding of pay rise or increments;
- Termination of service of the Respondent.

The management shall take action on the recommendations of the ICC within a period of sixty (60) days from the date of receipt of Inquiry Report.

In the event the Respondent is a Third Party, the Company shall:

- if the nature of sexual harassment amounts to an offence under the Indian Penal Code, file a complaint with the appropriate enforcement authority,
- In other instances, forward details of the ICC inquiry and findings to the Third Party's employer and require removal of the Respondent from the workplace and/or seek other remedial measures and/or sever the relationship with such Third Party

6.6. **Malicious Complaint:**

If the Complainant has lodged a false complaint then action will be taken against them for such an act. This could include a warning notice or, suspension; it may also amount to termination of services.

While deciding malicious intent, the Committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Further, this policy may not be used as a defence by an employee against whom an adverse action has been taken by the company independent of any disclosure of information and for legitimate reasons or cause under company rules and policies.

6.7. **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 Section 18 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013 and rules, within 90 days of the recommendations being communicated.

6.8. Legal Compliance:

The ICC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- ✓ number of complaints of Sexual harassment received in the year
- ✓ number of complaints disposed of during the year
- ✓ number of cases pending for more than 90 days
- ✓ number of workshops or awareness program against Sexual Harassment carried out
- ✓ nature of action taken by the employer or District Officer

7. INTERNAL COMMITTEE:

To consider and redress complaints of Sexual Harassment, An Internal Complaints Committee (Hereinafter “the Committee”) shall be constituted by the management consisting of the following persons:

SN	Name	Designation	Email id
1	Sugandha Asthana	Presiding Officer	sugandha.asthana@fplabs.tech
2	Shalini Shrivastav	External Member	shalini@attentiocs.com
3	Garima Arora	Member	garima@fplabs.tech
4	Hari V	Member	hari@fplabs.tech
5	Devang Shah	Member	devang@fplabs.tech

Complaints of sexual harassment shall be received, reviewed and investigated by this Committee. In an inquiry minimum 3 members including Presiding Officer shall be present. It is at the discretion of the Board of Directors to make changes in the composition of the Committee from time to time, based on availability of members.

This Committee shall hold office for a period not exceeding three years. The Internal committee is empowered to receive complaints, conduct enquiries and recommend appropriate actions for redressal and punishment. In case, a complaint is received against a member of the Committee itself, the concerned individual shall be required to step down, and shall be replaced by another person from the same category as decided by the Board.

Any casual vacancy shall be filled by fresh nomination in accordance with the provisions of The Act.

8. MISCELLANEOUS:

8.1. Confidentiality:

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

For certain offences on complainant's desire, the ICC will be under an obligation to report matters to the police/or file an FIR in accordance with requirements of POSH Act, 2013.

8.2. Protection to complainant/victim:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

9. Locations

The Company is committed to ensuring the applicability of the said policy at all times for all its business locations. The below is not an exhaustive list and the said policy is applicable to employee/ contractors working outside below mentioned office locations as part of their employment with us and/ or nature of business/ role hired for.

1. OneHQ, Survey No. 127, Seasons Road, opposite Sarjaa, Aundh, Pune, Maharashtra 411007
2. Repayments Office: Bootstart Cowork Pallod Farms, Street No. 4, Pallod Farms II, Baner, Pune, Maharashtra 411045
3. CX Office: 5th and 6th Floor, Gaikwad Information Technology Park, Survey No.127/2B/1A Nanasaheb, ITI Rd, near Sarjaa Road, Aundh, Pune, Maharashtra 411007

ANNEXURE A:

SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE

- A. Visual Conduct:
- Leering
 - Making sexual gestures
 - Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions
- B. Verbal Conduct:
- Whistling and/or catcalls
 - Foul or obscene language
 - Making or using derogatory comments which are sexual in nature
 - Explicit discussions about sexual activities/behaviours
 - Comments about a woman's physical attributes
 - Spreading rumour about another person's sexual activities/conduct and/or partners
 - Jokes which contain offensive, obscene or lascivious content
 - Sexual advances / Sexual propositions
 - Sexual innuendo or double entendre
- C. Written Conduct:
- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail
 - Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail
- D. Physical Conduct:
- Unwelcome touching
 - Sexual Assault
 - Kissing/Hugging / Grabbing
 - Coercing another person to participate in sexual intercourse or other sexual behaviours
 - Impeding or blocking movements
 - Any physical interference with normal work or movement.
 - Sexual gestures

This is only an indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

ANNEXURE B COMPLAINT FORM

1. Name:
2. Department (If applicable):
3. Employee ID (If applicable):
4. Date of filing the complaint:
5. Date of Sexual Harassment incident:
6. Venue of the incident:
7. Details of the accused (name, department etc):
8. Nature of the sexual harassment/describe in brief:
9. Details of the witnesses (if applicable):
10. Do you wish to opt for conciliation?
11. Do you wish to seek any interim relief till the matter is resolved

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Approved by Mr Anurag Sinha, CEO