

HOTEL POLO TOWERS LIMITED
(Formerly Hotel Polo Towers Private Limited)

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH POLICY)

1. OBJECTIVE

Hotel Polo Towers Private Limited (hereinafter to be referred as "**the Company**") aims to provide a safe and inclusive workplace where all its stakeholders such as Employees, Agents, Vendors and Partners can work and pursue business in an atmosphere free from any sexual harassment, exploitation and intimidation irrespective of their gender, caste, community, race/ethnicity, colour, social status, civil status, age, physical ability.

The Company takes a strong stance against any form of sexual harassment. All efforts shall be made to ensure that all decisions of the Company are free of any discrimination. Prompt and strict disciplinary action will be initiated against any individual or group caught in engaging in any form of sexual harassment or discriminatory activities.

The Company is required by law to lay down guidelines and establish a forum for redressal of grievances related to sexual harassment in accordance with the laws prevailing in India. This policy takes complete cognizance of the latest legislation by the Government of India i.e. the "The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and its notification published on 9th December 2013 ("Act"), as amended from time to time. The intent of this legislation is to provide protection against sexual harassment of women at workplace and matters connected therewith or incidental thereto.

2. APPLICABILITY

This policy is gender neutral and applies to the conduct of all parties and covers every employee. This policy will be applicable in all work-related settings and activities, whether inside or outside the workplace, including business trips and social events organised with Team Members and any virtual workplaces including WhatsApp Groups, all virtual meeting platforms, project management platforms. Any meeting or engagement required for any social work undertaken by the Company is covered by this policy.

The Company acknowledges that individuals covered by the scope of this policy shall be informed of this policy and will have access to the information needed to prevent sexual harassment.

The Company will openly, publicly and widely display this policy together with the contact information of the designated Internal ICC members and external parties authorized to process complaints.

3. 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. **"Company"** means Hotel Polo Towers Private Limited
- c. **"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 whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- d. **"Employer"** means Chairman and Managing Director of the Company or any other Officer declared as such in its service rules.
- e. **"Internal Complaints Committee"** (ICC) means a committee constituted by Company as per this policy.
- f. **"Respondent"** means a person against whom the aggrieved person has made a complaint.
- g. **"Sexual Harassment"** includes one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
- Physical contact and advances; or
 - a demand or request for sexual favours; or
 - making sexually coloured remarks; or
 - showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or sayings; or
 - any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
 - Creating a hostile work environment for team members by putting a complainant (of sexual harassment) in disadvantageous position w.r.t. employment, associated privileges, benefits & career enhancement in connection or related to any act or behavior of sexual harassment;
 - Physical contact and advances such as touching, stalking, making sounds which have explicit and / or implicit sexual connotations / overtones, molestation;
 - Display of pictures, signs etc. of sexual nature/connotation/overtones in the work area and work-related areas;
 - Verbal or nonverbal communication which offends the individual's sensibilities and affects her/his performance and has sexual connotation/overtone/nature;
 - Repeatedly asking to engage in a romantic relationship;
 - Teasing, voyeurism, innuendos and taunts, physical confinement and /or touching against one's will and likely to intrude upon one's privacy;

Sexual harassment is not limited to demands for sexual favors. It also may include such actions as:

- a. Sex-oriented verbal "kidding," "teasing" or jokes;
- b. Repeated offensive sexual flirtations, advances, or propositions;
- c. Continued or repeated verbal abuse of a sexual nature;
- d. Graphic or degrading comments about an individual or his/ her appearance;
- e. Display of sexually suggestive objects or pictures;
- f. Subtle pressure for sexual activity;
- g. Inappropriate physical contact.

At any work- or work-related setting and in all their interactions with business stakeholders, all Team Members are expected to uphold the highest standards of ethical conduct. The Team Members have a responsibility to:

- treat each other with respect;
- follow the letter and spirit of law;
- refrain from any unwelcome behavior that has a sexual connotation (of sexual nature);
- refrain from creating hostile environment at workplace via sexual harassment; and
- report sexual harassment experienced by themselves or as witnesses to appropriate authorities and abide by the complaint handling procedure of the company

The following acts, if they occur in relation to or connected with any act or behaviour of sexual harassment, irrespective of whether or not they occur during instances of hiring, firing, performance appraisal, promotion / demotion, performance of assignments etc, may also 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
- interferes with work or creating an intimidating or offensive or hostile work environment or humiliating treatment likely to affect the health or safety of the community members.

- h. **"Workplace"** includes all Company premises and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

4. INTERNAL COMPLAINTS COMMITTEE (ICC)

An appropriate forum in the form of "Internal Complaints Committee" (ICC) has been constituted by the Company for time bound redressal of any complaints made for violation of this policy.

The Committee shall be constituted by Chairman and Managing Director with the following members:

- a) A Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees. In case of non-availability of senior level woman employee, the Presiding Officer shall be nominated from administrative units of the workplace;
- b) Not less than two (2) Members from amongst employees of the Company, preferably

committed to the cause of women or who have had experience in social work or have legal knowledge;

- c) One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

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

2. Every complaint received shall be forwarded to the ICC for investigation, inquiry.
3. The committee members on need basis will be provided with necessary training to handle such matters effectively and with the required sensitivity and concern.

The ICC members will have a tenure of 3 years from the date of their appointment. The ICC will receive complaints; investigate every formal written complaint received by them under this policy; provide conciliation, if requested; recommend appropriate actions for punishment for any substantiated allegations of harassment; initiate appropriate legal actions wherever required, and take actions discouraging and preventing employment related harassment.

If any complaint arises against the Presiding Officer or any of the members of the ICC, the Presiding Officer or the member as the case may be, will recuse himself or herself from the proceedings and an alternate member shall be appointed in his or her position to the ICC by the Company Board of Directors, with exception of an accused board member to avoid any conflict of interest. In such instances, the complaint can be made to any of the committee members.

5. DUTIES AND FUNCTIONING OF ICC

- The members of the ICC will ensure that they remain accessible to the Company employees to ensure avoiding the violation of this policy.
- The ICC will ensure that they maintain the records of any observed and informed incidents for the purpose of future proceedings.
- The ICC will ensure fair disclosure in its activities and initiatives, disclose necessary information to the respective stakeholders when required and investigate the complaints while abiding by the principles of natural justice.
- The ICC will ensure absolute integrity and honesty and ensure that they keep their own biases aside while dealing with the complaints.
- The ICC will develop the standards for its day-to-day functioning by identifying its performance metrics, initiatives, timelines, record keeping and evaluation of its members.
- The ICC will ensure confidentiality of identity of individuals involved, details of the incidents, proceedings of the matter resolution, and will only disclose information with a reason required to protect a possible damage greater than one caused by withholding the information. This decision will require a vote of majority and be executed accordingly.
- The ICC may appoint a secretary to record the proceedings of the meetings and to coordinate and arrange the meetings
- The ICC shall keep a record of the proceedings of all meetings and shall even maintain the minutes of the meetings, where required, in addition to the video recordings.

6. PROCEDURE FOR FILING AND DEALING WITH THE COMPLAINTS

The ICC shall follow the procedure and timelines prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

Dealing with complaints

- a. Complaints should be submitted as soon as possible after an incident has occurred, only in writing. The HR Manager may assist the complainant in completing a written statement or, in the event an employee is not capable of writing then, the HR Manager will dictate the verbal complaint.
- b. If the complainant feels that she/ he can not disclose her/his identity for any particular reasons with the Panel members, she/he may address the complaint to the Presiding Officer of ICC.
- c. Anyone can lodge a complaint, only in writing, directly with the ICC or any of the ICC Members as applicable. The complaint can be sent by an email and the complainant's identification i.e. name, address, phone number, company email address and designation should be informed to the ICC. No anonymous complaints shall be acted upon by the ICC.
- d. The complainant can choose to file a complaint with the police in case of serious offences. If a police complaint is filed, the Company will extend support to the potential victim.
- e. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, each and every employee or consultant of the organization is responsible to notify such complaint or any occurrence of sexual harassment to any of the ICC members. The ICC may review the complaint with the company's legal counsel.
- f. The ICC is required to inform the Complainant about informal complaint mechanism and if the complainant disagrees with an informal complaint, then the ICC will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
- g. If necessary, the complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.
- h. At the first meeting of the complaint committee, the complainant shall be heard and the complainant's statement is recorded (statement of allegation). The complainant can produce collaborative material with a documentary oral material, etc., to substantiate her/his complaint.
- i. Thereafter, the accused will be called to a meeting by the complaint committee and will be informed of the complaint and an opportunity will be given to the accused to give an explanation. Thereafter, an "Enquiry" shall be conducted.
- j. During the investigation, the ICC will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
- k. In the event the complaint does not fall under the purview of sexual harassment/the complaint on the face of it does not disclose an offence of sexual harassment, the complaint committee may drop the complaint after recording the reason(s) thereof.
- l. In case the complaint registered by the complainant is found to be false at any stage, the complainant will be subjected to appropriate disciplinary action.
- m. In case the complaint is against any member of the Panel, such member shall not be allowed to be part of the enquiry committee.

• Informal Complaints Procedure

Once a complaint is accepted, the ICC will aim first and foremost for any form of resolution that is possible through conciliation to identify a possible case of misunderstanding and miscommunication and explore steps to amicably settle the matter between the complainant and the accused. The above process can only be initiated if the complainant agrees to the same.

Informal ways of dealing with sexual harassment can include the following actions:

- i. It may be sufficient for the employee concerned to have an opportunity to explain to the offender that their conduct is not welcomed.
- ii. The employee concerned may seek confidential advice on possible solutions from a supervisor, trusted colleague or an officer trained to deal with sexual harassment issues.
- iii. The employee concerned may request a supervisor or relevant officer to privately and informally speak with the offender on their behalf.
- On arriving at a settlement, after conciliation, the internal complaint committee will record it and provide a copy of the same to the employer and both the parties, and stop investigation into the case.
- If the aggrieved complainant informs the internal complaint committee that any term or condition of the settlement arrived (through conciliation) has not been complied by the respondent, the committee shall proceed to make an enquiry into the complaint or, as the case may be, forward the complaint to the police.

- **Formal Complaints Procedure**

An employee should not be required to exhaust informal attempts at resolution before choosing to lodge a formal complaint. Employers should ensure that a formal procedure to respond to complaints is established and communicated to all employees.

The principles of justice should be followed in all procedures of sexual harassment case settlement in the workplace. Furthermore, a balance of information from both sides the victim and alleged perpetrator of sexual harassment needs to be achieved. The perpetrator should be fully informed about the complaints lodged against him/her and be given an opportunity to respond. Similarly, workers who are victims of sexual harassment should fully know the response of the perpetrator to the charges filed by her/him and have the opportunity to respond. Justice and equality may be distinguished in different conditions with three basic requirements:

1. The parties shall be given notice of complaints or accusations against them, and the process for solving these problems.
 2. The parties should be given the opportunity to be heard and provide feedback regarding the complaint or accusation.
 3. Decision makers must act honestly, impartially and without bias.
- During pendency of an enquiry, on a written request made by the aggrieved complainant, the internal complaint committee may recommend the employer to (a) transfer the aggrieved complainant or the respondent to any other workplace; or (b) grant leave to the aggrieved. On the recommendation of the internal complaint committee, the employer shall implement the recommendations and send the report of such implementation to the committee.
 - **Procedure for Enquiry:** If either of the parties (complainant and accused) disagree with the conciliation, the ICC can carry out its investigation proceedings which shall involve taking statements from the witnesses.
 - a. The ICC shall immediately proceed with the enquiry and communicate the same to the complainant and the accused. The complaint committee shall record all the proceedings of the enquiry and all parties present at any of the communication meetings, shall endorse the same in token of authenticity thereof.

- b. The ICC shall hand over the statement of allegation to the accused and give an opportunity to the accused to submit a written explanation if she/he so desires within 15 days of receipt of the same.
- c. The complainant shall be provided with a copy of the Statement of Defence submitted by the accused and will be given an opportunity to provide a reply to the Statement of Defence if considered necessary by the ICC and not a repetition of the complaint itself.
- d. If the complainant or the accused desires any witness(es) to be called, they shall communicate in writing to the ICC the names of the witness(es) whom they are supposed to call.
- e. If the complainant desires to tender any document by way of evidence before the complaint committee, she/he shall supply true copies of such documents to the complaint committee. Similarly, if the accused desires to tender any documents in evidence before the complaint committee she/he shall produce true copies of such documents to the complaint committee and will affix her/his signature on the same to certify it as true copy.
- f. The committee will call upon all witnesses mentioned by both the parties starting with the witness of the Complainant.
- g. All relevant disputed facts to be ascertained by corroboration with witness narratives and or other evidence.
- h. Each party will have the right to cross examine the other party and its witnesses. However no face to face interactions to be conducted between the victim and the accused in highly sensitive matters without consent of the victim. In such instances, the committee shall be conducting the cross examination of the victim on behalf of the accused.
- i. The complaint committee will provide every reasonable opportunity to the complainant and the accused, for putting forward and defending their respective case.
- j. The complaint committee shall complete the "Enquiry" as soon as possible and communicate its findings and recommendations for disciplinary action to the appointing authority.
- k. The Presiding Officer/ Chairperson will direct the employer to take action in accordance with the recommendations proposed by the ICC.
- l. The complaint committee shall be governed by such rules as may be framed by the ICC from time to time, taking into account the best practice from India and abroad.
- m. The ICC may carry out as many hearings as are required for the purpose of ensuring that the principles of natural justice are adhered to.

It is the obligation of the Complainant to share a list of witnesses, recordings, documents to establish the allegations made in the complaint and obtain signed statements of such witnesses if any and submit it to the ICC on commencement of the investigation Proceedings.

7. OBLIGATIONS OF THE ICC

- i. Notify employees of their right, depending on the nature of the sexual harassment, to press separate charges against the alleged harasser.
- ii. Take care to not disadvantage the complainant or to prejudice the alleged harasser if the claim is found to be unwarranted.
- iii. Provide the alleged harasser an opportunity to tell their version of the story and to identify all supporting witnesses.
- iv. Ensure the investigation and grievances are handled in a manner that ensures the identities

of the persons involved and all records relating to the harassment complaint are kept confidential.

v. Ensure provisional working arrangements are made if necessary to ensure the alleged victim and perpetrator may continue working in a safe environment while the case is being investigated. This could include a temporary relocation of the accused to a different workspace.

8. DOCUMENTATION

Every detail of the incidents, complaints, investigation, hearings, evidence, conclusions, agreements and closures will be documented and recorded in soft copy form. These records will be maintained by the ICC in a safe and secure manner, and shall be shared with both the complainant and the accused.

- Final meeting and report
 - a. After the investigation process, the ICC members will have a final meeting and prepare a report.
 - b. This report shall contain recommendations to be sent to the management for execution.
 - c. This report shall be confidential in nature and in the event that it is proved that the act complained against does fall within the realm and scope of sexual harassment, the ICC can recommend one or more of the actions as stated in clause 8 of the policy.
 - d. If, after the investigation, the complaint is found to be frivolous in nature or false and lodged with a malicious intent, appropriate disciplinary actions can be taken against the complainant.
 - e. In case the ICC finds the degree of offence to be serious enough, such that a criminal case is required, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer for making a Police Complaint.
 - f. In the event that the matter is found to be a mere misinterpretation of the events that occurred and the complainant and the accused agree to this inference in writing, the ICC will recommend that no action is to be taken against the complainant or the accused, and the report of the ICC shall state accordingly.
 - g. Where it is found that the sexual harassment has occurred as a result of an act or omission by any third party or outsider, the Company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

- Timelines

The following timelines will be applicable for the activities of the ICC:

- a. Accepting a complaint: Any complaint can be accepted if it is reported within a period of 90 days of the occurrence of the incident which has alleged sexual harassment.
 - b. Initiating the Investigation proceedings: After receiving the complaint, ICC has 10 days to initiate the investigation proceedings unless it is a matter of extreme urgency.
- **Investigation:** The ICC has a maximum of 90 days to look into the matter and complete the investigation.

- **Submission of report:** The ICC must submit its report to the management within 10 days. Thereafter, the management has 60 days to implement the suggestions made in the report. These timelines are prescribed and mandated and shall be followed in all instances except when the complainant, accused or ICC can provide a valid written reason for the extension accepted by all parties involved.

9. GUIDELINES ON THE RECOMMENDATIONS TO BE SUGGESTED BY ICC

The recommendations suggested by the ICC after the investigation of the complaint may vary depending upon the degree of offence committed by the accused. Sexual harassment complaints may have a combination of one or more of the following categories: mental trauma, emotional, physical and professional damage.

Such recommendations may contain the following options:

- a. Formal apology, whether public or private;
- b. Counselling;
- c. Written warning to the accused and a copy of it maintained in the employee's file;
- d. Change of work assignment / transfer for either the accused or the complainant;
- e. Suspension or termination of services of the employee found guilty of the offence;
- f. Demotion of the employee found guilty of the offence; and
- g. Direction to the accused to pay monetary compensation to the complainant.

10. CONFIDENTIALITY OF THE PROCEEDINGS

The complaints shall be dealt with in an utmost confidential manner amongst all parties involved including the ICC members. Any violation of the confidentiality requirements will result in financial and legal action against the person who violates such requirements. The penalty for violation of confidentiality shall be determined by the ICC and in the event that any member of the ICC violates confidentiality, the remaining members shall determine the penalty. In the event that all or majority of the members of the ICC violate such confidentiality requirements, such members shall be removed from the ICC and the board of directors of the Company will determine the penalty.

11. ASSURANCE AGAINST RETALIATION

- The Company will ensure that the complainant or witnesses are not victimized or discriminated against in any manner while dealing with complaints of sexual harassment.
- This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions.

12. OBLIGATIONS OF THE EMPLOYER

- To provide necessary facilities to the internal committee for dealing with the complaint and conduct enquiry.
- To assist in securing the attendance of the respondent and witness before the internal committee or the local committee, as the case may be.

- To make available all the information to the internal committee, which may be required in connection with the complaint made.
- To initiate action against the perpetrator under the IPC or any other law, or if the aggrieved complainant so desires, where the perpetrator is not an employee, in workplace at which the incident of sexual harassment took place.
- To treat the sexual harassment as misconduct under the service rules and initiate action for such misconduct.
- To monitor the timely submission of the reports by the internal complaint committee.
- To ensure that the internal complaint committee prepares and submits an annual report.
- To incorporate the report of the number of cases, if any, and their disposal under the Act, in the annual report of the organisation.

13. CONCLUSION

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

The decision of the 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.
