

## **POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**

Effective 27<sup>th</sup> February 2025 (Version 2)



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## 1. POLICY STATEMENT

- a. At Raintree Group (“**Organization**”), We have zero tolerance towards sexual harassment of any nature at the workplace. Accordingly, this **Policy on Prevention of Sexual Harassment at Workplace** (“**POSH Policy/Policy**”) has been framed with the intention of providing a sexual harassment free environment and address the prevention and redressal of sexual harassment at the workplace for all employees associated with the Organization in India.
- b. With more and more women joining the workforce, ensuring an enabling working environment for women was felt by the Indian government, which led to the passage of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules framed thereunder (hereinafter referred to as “**POSH Act**” and “**POSH Rules**” respectively) in 2013, applicable throughout India. The POSH Act specifically provides for protection of women from any act of sexual harassment at workplace. However, even though the POSH Act specifically deals with the protection of women against sexual harassment, the Organization strongly believes that all employees, regardless of their gender, have the right to work in an environment safe from verbal or physical abuse and unsolicited or unwelcome sexual overtures.
- c. In furtherance to this objective, the Organization has adopted this Policy with a gender-neutral approach. The Organization is committed to provide redressal against sexual harassment to all employees, irrespective of their gender, and to take strict disciplinary action as provided under this Policy against any persons who are perpetrators of any and all forms of sexual harassment, regardless of the gender of the perpetrators.

## 2. SCOPE OF THIS POLICY

- a. This Policy addresses the prevention and redressal of sexual harassment at the workplace (*as defined in the further section*) and is applicable to all employees irrespective of their gender (*as defined in the further section*) associated with the Organization’s operations in India.
3. It is clarified that though this Policy is gender neutral in its approach while handling sexual harassment at workplace complaints, the POSH Act and POSH Rules lay down statutory guidelines *specifically* to address sexual harassment at workplace complaints brought by women and has a broader applicability in terms of the complainant(s) who can approach the Organization. This Policy makes specific references to guidelines which are *only* applicable to women employees and complainants, as and where required, keeping in mind the provisions of the POSH Act and POSH Rules. Those specific guidelines will not be applicable to other complainants, who are not women, since they do not fall under the purview of the POSH Act. WHO IS COVERED UNDER THIS POLICY?
- a. This Policy has a wide coverage and is applicable to all Employees associated with the Organization. **Employee**, for the purpose of this Policy means any person employed at the workplace, for work on regular, ad-hoc, or daily wage basis - either directly or through agent or contractor, volunteers, probationer, trainee, interns.
  - b. **Aggrieved individual or complainant**, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of sexual harassment.
  - c. Respondent refers to any person against whom a complaint of sexual harassment has been made by the complainant.

4. **WHAT IS WORKPLACE UNDER THIS POLICY?** Workplace for the purpose of this Policy includes the premises and offices of the Organization, its affiliates and any place visited by Employees arising out of or during employment including transportation provided by the Organization for undertaking such journey. The following table depicts the three main categories of workplace, based on the various places and mediums where employees interact.

|   |  |
|---|--|
| <p><b>Primary Workplace</b></p>   | <ul style="list-style-type: none"> <li>•Office premises</li> <li>•Premises where official business is conducted.</li> </ul>  |
| <p><b>Extended Workplace</b> <i>Which employees visit during the course of their work</i></p>       | <ul style="list-style-type: none"> <li>•Client or customer offices/business lunches &amp; meals</li> <li>•Official/work related travel and/or stay</li> <li>•Official events &amp; conferences, training programmes</li> <li>•Office organized parties/off-sites/retreats/lunches/dinners or any events which can be considered as appropriate extension of the workplace</li> </ul> |
| <p><b>Virtual Workplace</b><br/><i>Where employees interact during the course of their work</i></p> | <ul style="list-style-type: none"> <li>•Office WhatsApp groups/SMS/calls</li> <li>•Emails</li> <li>•Video or voice-calling platforms (e.g., Zoom, GMeet Hangouts)</li> <li>•Productivity platforms (e.g., Slack, Flock)</li> <li>•Project Management Platforms (e.g., Trello)</li> <li>•HRMS platforms</li> <li>•Business communication platforms (e.g., Microsoft teams)</li> </ul> |

## 5. ACTIONS IDENTIFIED AS SEXUAL HARASSMENT AT WORKPLACE

- a. **Sexual harassment as per POSH Act, 2013 and its examples** - Sexual harassment under this Policy would mean and include (but is not limited to) any of the following;
- i. Physical contact and advances.
  - ii. Unwelcome sexual requests or demand for sexual favors, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person on any activity related to the Organization.
  - iii. Unwelcome sexual advances including physical, verbal, and non-verbal conduct or communication of sexual nature e.g., sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, texting (forwards, SMSs & MMSs), showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, which offends a person's sensibilities and affects their performance.
  - iv. Sexually colored acts and remarks such as teasing, bullying, physical intimidation, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy and hurt one's sentiments.
  - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.

- vi. Making sexually colored remarks or remarks of a sexual nature about a person's clothing or body; or
  - vii. Any act or conduct of a sexual nature by a person in authority, which creates a hostile and/or intimidating environment at the workplace.
  - viii. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature; and
  - ix. Abetment to any or all the above.
- b. **Examples of sexual harassment in virtual workplaces** - Since workplaces have become online and virtual workplaces are increasingly being used to continue the work, it is important for all employees to understand that any form of sexual harassment (defined above) occurring via the virtual medium will also be covered under this Policy. Some examples include (but is not limited to the following):
- i. Personal comments that are unwelcome and sexually oriented on the person's social media handles;
  - ii. Sending inappropriate emojis and messages via virtual mediums that are sexually oriented;
  - iii. Insisting on video calls after office hours without official purpose;
  - iv. Inappropriate or sexist jokes to 'lighten' the mood on video/audio calls;
  - v. Not dressing appropriately during video conferences or calls.
  - vi. All the above is prohibited through any mode of communication including in person, over the phone, on voice mail, through pen and paper, on e-mail, through chat, through SMS or any other form of communication
- c. **Other factors to assess whether an act constitutes sexual harassment at workplace** - The following circumstances, among others, if they occur or are present, in relation to or connected with any act or behavior of sexual harassment, may amount to sexual harassment:
- i. implied or explicit promise of preferential treatment in employment; or
  - ii. implied or explicit threat of detrimental treatment in employment; or
  - iii. implied or explicit threat about present or future employment status; or
  - iv. interference with work and/or creating an intimidating or offensive or hostile work environment for a person; or
  - v. humiliating treatment likely to affect the health and safety of the person concerned
- d. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers instead to unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a woman at whom the behavior or conduct was directed. It is the reasonable perception of the aggrieved individual that would be relevant in determining:
- i. whether the conduct was sexual in nature, and, if so, whether such conduct was unwelcome or not; and/or
  - ii. that their objection to such conduct would disadvantage them in connection with their employment including [hiring, dismissal, performance appraisal, promotion/demotion, assignments, monetary appraisal] evaluation, grading, recruitment, or promotion; or
  - iii. if the conduct in question creates a hostile working environment.

## 6. IC AS REDRESSAL SYSTEM –

- a. Internal Committee (“IC”) has been set up in the Organization’s offices to address complaints of sexual harassment. IC will have minimum of 4 Members: Presiding Officer who will be a senior woman member; 2 members from among the employees, and one External member (third party), who can be from an NGO or a person familiar with the issues relating to sexual harassment. The Organization’s IC comprises of the following:
  - i. Christina Shaikh: Presiding Member
  - ii. Atreya Pal: Member
  - iii. Jaywant Kumbhar: Member
  - iv. Vaishali Saole: Member
  - v. Neha Sathe: External Member
- b. Half of the members of the IC at all times will be women representatives.
- c. You can send your complaints to the IC at [posh@theraintree.co.in](mailto:posh@theraintree.co.in)
- d. The IC is responsible for:
  - i. Receiving complaints of sexual harassment at the workplace;
  - ii. Initiating and conducting inquiry as per the established procedure under law;
  - iii. Submitting findings and final recommendations on complaints of Sexual Harassment at Workplace which will be implemented by the Management of the Organization;
  - iv. Maintain strict confidentiality throughout the process as per established guidelines.

## 7. REDRESSAL PROCEDURE: HOW DOES IT WORK

### a. FILING A COMPLAINT WITH THE IC

- i. Any Aggrieved Individual who has experienced sexual harassment and wishes to file a complaint, should only reach out to the IC and no other authority/individual/body/committee within the organization.
- ii. For any Aggrieved Individual, finding it difficult to locate its IC should request their managers to help them with IC details.
- iii. A Complainant can file a complaint with the IC within three (3) months from the date of the alleged incident of sexual harassment and in case of a series of incidents, within a period of three (3) months from the date of the last incident. IC can use its discretion to extend the limit to another three (3) months, if it is satisfied that circumstances existed to prevent the Complainant from filing a complaint within the said period. The format of the complaint is required to be made as attached in Annexure A of this Policy.
- iv. IC can only initiate inquiry on a complaint if the complaint is in writing. Anonymous complaints cannot be accepted by IC at any point in time.
- v. In case a Complainant is unable to lodge a complaint on account of any physical or mental incapacity or death or otherwise, his/her legal heir, co-worker or any person with knowledge of the incident, may make a complaint to the IC, but only with the written consent of the Complainant.
- vi. The complaint must contain description of the event(s) as well as the names and contact email/ phone number of witnesses, if any. Supporting documents, if available, such as letters, transcription of text messages etc. supporting the complaint of sexual harassment at workplace against the Respondent, should accompany the complaint.

### b. PROCESSING A COMPLAINT - On receipt of a written complaint, the IC will:

- i. Officially acknowledge the receipt of the complaint through email;
- ii. Request for any additional details missing from the complaint if required;



- iii. Share further details of the procedure with the Complainant;
- iv. Initiate the first meeting to validate the eligibility of the complaint as a sexual harassment at workplace complaint;
- v. Assess the need of any arrangement in work settings that may be needed for complaints where the Complainant and Respondent are working in close professional association; and
- vi. Present the options of conciliation and formal inquiry available to the Complainant.
- vii. If the IC finds that the complaint does not fall within the definition of Sexual Harassment or within the IC's jurisdiction, the complaint will be referred to the Human Resources team for appropriate action.

#### **c. CONCILIATION BEFORE INQUIRY**

- i. Before initiating a formal inquiry, IC can take steps to settle the matter between the Complainant and the Respondent through a process of conciliation. However, the IC can only proceed with conciliation if the Complainant expressly requests for the same. No monetary settlement will form the basis of the conciliation.
  - 1. *Note: Conciliation in itself does not necessarily mean acceptance of the offence having been committed by the Respondent, as mentioned in the complaint. It is a practical mechanism through which issues are resolved or misunderstandings are cleared.*
- ii. If a settlement is arrived at, the IC will record the terms of settlement in its report, along with any other steps suggested for them, if any. IC will then provide a copy to the Complainant and the Respondent and forward it to the Management of the Organization for its implementation. There will be no further inquiry conducted by the IC and the case with the IC will stand closed.

#### **d. FORMAL INQUIRY**

- i. IC will proceed with the formal inquiry if the Complainant does not agree to go with conciliation or the terms of conciliation is not complied with by the Respondent.
- ii. IC will send a copy of the written complaint to the Respondent (within 7 working days) who is required to file its reply to the complaint with all supporting documents and list of witnesses (if any) within ten (10) working days of receiving the copy of the complaint.
- iii. As per the inquiry process, IC will provide equal opportunity for both parties to be heard. Both parties have the right to produce oral or documentary evidence in their favor.
- iv. The IC will consider all evidence and witness(es) available to determine the outcome of the inquiry. IC will follow principles of natural justice and fairness in all its proceedings and will maintain confidentiality of the identity of the Complainant, the Respondent and any witness involved with the inquiry.
- v. IC shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process.
- vi. The inquiry process will be documented and recorded by the IC.
- vii. IC has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Complainant or Respondent fails to present herself or himself without sufficient cause for (3) three consecutive hearings convened by the Presiding Officer, after

giving a fifteen days' notice to the party concerned.

- viii. The inquiry process will be completed by the IC within ninety (90) days from the date of receipt of the complaint and the final inquiry report will be prepared by the IC.
- ix. On completing the inquiry, the IC will then provide its final inquiry report to the Management of the Organization within a period of 10 days from the date of completion of the inquiry. A copy of the report will be provided to the Complainant & Respondent.

#### 8. **GUIDELINES SPECIFIC TO COMPLAINANTS WHO ARE WOMEN AS PER POSH ACT**

- a. **Quorum:** In conducting the inquiry, it is mandatory for a minimum of 3 Members of the IC, including the Presiding Officer and External member to be present at each of the hearings.
- b. **Right to Cross examination:** Both parties have the right to cross examine each other and the witness(es) provided by the other party. Cross examination can be conducted through a questionnaire which will be provided to the respondent via the IC.
- c. **Interim Relief for the Complainant during the pendency of the inquiry** During the pendency of an inquiry, on a written request made by the woman Complainant, the IC may recommend the following to the Management of the Organization:
  - i. Transfer the Complainant or the Respondent to any other location or office of the Organization;
  - ii. Grant leave to the Complainant for a period up to three (3) months;
  - iii. Restrain the Respondent from reporting on the work performance of the Complainant or writing his/her confidential report and assign the same to another officer
- d. It is important to note that the leave granted to the Complainant shall be in addition to the leave she is otherwise entitled to.
- e. On receiving a recommendation from the IC, the Management of the Organization shall implement the recommendations and send a report of such implementation to the IC.

#### 9. **FINAL INQUIRY REPORT BY IC AND ITS IMPLEMENTATION**

- a. **Final Inquiry Report - While preparing the inquiry report, IC, among others, considers the following points:**
  - i. Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature;
  - ii. Whether the allegations or events follow logically and reasonably from the evidence;
  - iii. Credibility of the evidence provided by the Complainant, Respondent, and their witnesses; and/or
  - iv. Other similar facts, evidence, for e.g., if there have been any previous accounts of harassment pertaining to the respondent
- b. **When the Complainant's allegations are not proved** - Where the IC concludes that the allegation against the Respondent has not been proved, it shall recommend to the Management of the Organization that no action is required to be taken in this matter. Further, upon sharing of the final report, the IC will ensure that both parties understand

that the matter has been fully investigated and concluded to the best of the efforts of the IC and in alignment with the law, and this Policy.

- c. **When the Complainant's allegations are proved** - If the IC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend in writing to the Management of the Organization to take action against the Respondent, which may include one or more among the following:
- i. a written apology from the Respondent;
  - ii. a letter of warning may be placed in the personal file of the Respondent;
  - iii. reprimand or censure;
  - iv. immediate transfer or suspension without pay;
  - v. withholding of pay rise or increment(s);
  - vi. undergoing a counselling session;
  - vii. carrying out community service; and/or
  - viii. termination from service.
- d. The inquiry report of the IC shall be treated as the final report and the recommendations of the IC shall be implemented by the Organization. The Organization is provided up to sixty (60) days to implement the recommendations of the IC.

**10. As per the Act, the IC may recommend compensation from the respondent as per the situation on a case-to-case basis.**

**11. FALSE OR MALICIOUS COMPLAINTS**

- a. Where the IC concludes that the allegation against the Respondent is malicious or the Complainant or any other person making the complaint has made the complaint knowing it to be false or the Complainant or any other person making the complaint has produced any forged or misleading document, it may recommend to the Employer to take action against the person making the complaint.
- b. While deciding malicious intent, the IC should note that the mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry that the IC will conduct against the Complainant. The action recommended should be similar to the ones proposed for the Respondent in case of substantiated complaints.
- c. In case a witness has given false evidence or produced any forged or misleading document during the inquiry, action may also be taken against the said witness in accordance with the applicable Policy of the Organization.

**12. CONFIDENTIALITY**

- a. The identity of the Complainant, Respondent, witnesses, statements, and other evidence obtained in the course of inquiry process, recommendations of the IC and action taken by the Employer is considered as confidential, and not published or made known to public or media. Any person contravening the confidentiality clauses will be subject to disciplinary action as prescribed in the Act and any other internal Policy of the Organization.
- b. All individuals who are part of the IC inquiry will need to sign a confidentiality undertaking, to prevent leakage of any detail in relation to the inquiry process.



### 13. **APPEAL AGAINST THE INQUIRY CONDUCTED BY IC**

- a. **In case the inquiry process is conducted by the IC and the Complainant is a woman:** Any person aggrieved (Complainant or Respondent) by the recommendations related to the quantum or nature of penalties made by the IC, or the non-implementation of such recommendations by the Managing Director, may file an appeal to the Appellate Authority in accordance with the Act and Rules within three (3) months from the date of the final inquiry report. *(Such appellate authority is the respective Central Government Industrial Tribunal-cum-Labour Court appointed in various States)*
- b. **In case the inquiry process is conducted by the IC where the Complainant is other than a woman:** Any person aggrieved (Complainant or Respondent) by the decision of the IC related to the quantum or nature of penalties recommended by the IC, appeal will lie to Board of Directors of the Organization. The decision of the Board of Directors of the Organization will be final thereafter.
- c. Even after the above, if the person aggrieved is still dissatisfied, it may approach a local Civil Court of relevant jurisdiction for further redressal.

14. **NON-RETALIATION** - 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 retaliation, including internal interference, coercion, and restraint against an employee during the inquiry violates this Policy and should be reported immediately to the Management of the Organization.

### 15. **RESPONSIBILITIES AS A TEAM –**

- a. At Raintree, we emphasize on the preventive nature of this Policy. Every member of the Organization has a responsibility to ensure that appropriate workplace behaviour is maintained to ensure a positive, safe, and productive working environment for all Employees. The Organization is committed to ensure the following for all the Employees:
  - i. Ensure a safe working environment, free from any kind of sexual harassment including implementing an active program for prevention and deterrence of sexual harassment;
  - ii. Maintain a proactive awareness program to educate all Employees about the definition of sexual harassment at workplace and procedure for redressal;
  - iii. Provide guidelines for redressal against any act of sexual harassment in the workplace.
  - iv. Provide assistance to the aggrieved individual who is a woman, if she chooses to file a complaint in relation to the offence of sexual harassment at workplace under the Indian Penal Code (IPC) or any other applicable law.
  - v. Cause to initiate action, if the aggrieved individual who is a woman so desires, against the perpetrator for the offence of sexual harassment at workplace under IPC or any other applicable law if the perpetrator is not an Employee of the workplace at which the incident of sexual harassment took place.
- b. Your role as an Employee and team member is important to uphold the highest standards of ethical conduct at the workplace in all your interactions with business stakeholders. All employees have a responsibility to:

- i. Refrain from any unwelcome behavior that has a sexual connotation (of sexual nature);
- ii. Refrain from creating hostile environment at workplace via sexual harassment;
- iii. Refuse to participate in any activity which constitutes sexual harassment;
- iv. Support employees at the Organization to reject unwelcome sexual behaviour;
- v. Report sexual harassment experienced to IC immediately and abide by the complainthandling procedure of the Organization; and
- vi. Support/co-operate during any inquiry process and provide a full and truthful disclosure of relevant information and assist with investigations.
- vii. Participate in all the awareness programs started by the Organization to further the objectives of this Policy.

16. **EXCEPTIONS AND AMENDMENTS** - This Policy will be periodically revised and is subject to modification by the Organization.



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**ANNEXURE A: Format of the Complaint to be used by Complainant**

**Date of the complaint submission:**

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**Name of the Complainant:**

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**Designation & Department (if any):**

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**Name of the Respondent**

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**Designation & Department (if any):**

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**Date of the incident** *(If the incident has been repeated multiple times, please mention the date of the recent one):*

**Details of the complaint/incident (Please write as much in detail as required):**

**Name/s of witness/es you would like to provide from your end:**

*(Please note that these are the members from the Organization who can provide support to your complaint and will be called by the IC during the inquiry. It will help the IC to conduct its inquiry if you provide witness(es) from your side. Feel free to speak to any of the IC members to understand this further.)*

**Mention any evidence (in the form of SMS, WhatsApp messages, video, audio, email, or any other format or form) that you have or would like to present to support your complaint.**

**Any other information that you would like to bring to the notice of the IC to support your complaint:**

**Name and signature of the Complainant**

*(Applicable when you are submitting hard copies of the complaint to the IC)*