



ICRA ANALYTICS LIMITED

Policy on Prevention of Sexual Harassment (POSH)

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1. POLICY

- 1.1 **ICRA Analytics Limited** (“**Company**”), is an equal employment opportunity company. The Company is committed to providing a safe working environment. The Company prohibits sexual harassment and believes that all employees have the right to be treated with dignity and respect.
- 1.2 This Policy on Prevention of Sexual Harassment (“**Policy**”) is implemented pursuant to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**Act**”) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“**Rules**”) as amended from time to time. Pursuant to the Act, the Company is required to constitute an Internal Committee which exercises powers under the Act and Rules to address complaints of sexual harassment.
- 1.3 To the extent of any inconsistency between (i) the terms of this Policy, and (ii) the terms of the Act and/or Rules, the terms of the Act and/or Rules (as applicable) shall prevail.

2. SCOPE AND EFFECTIVE DATE

- 2.1 This Policy extends to all “Employees” (as defined in section 2.2 below) of the Company.
- 2.2 For the purposes of this Policy, the terms “*Employee*” and “*Sexual Harassment*” shall have the meanings given to the terms in the Act. For reference, the relevant definitions are set out below. To the extent of any inconsistency between the definitions below and those set out in the Act, the definitions in the Act shall apply.
- 2.2.1 “**Employee**” shall mean to include all the employees of the Company employed for any work on regular, temporary, contractual basis, employee on ad-hoc or daily wage basis, employee who are serving the Company on deputation from other organisations, 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 also includes co-worker, probationer, trainee, apprentice or called by any other such name.
- 2.2.2 “**Sexual Harassment**” shall mean and include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further, 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:

- (i) Implied or explicit promise of preferential treatment in her employment; or
- (ii) Implied or explicit threat of detrimental treatment in her employment; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) Humiliating treatment likely to affect her health or safety.

- 2.3 Words and expressions used and not defined in this Policy but defined in the Act and Rules framed thereunder shall have the meanings respectively assigned to them in the said Act and Rules.

3. RESPONSIBILITY OF EMPLOYEES UNDER THIS POLICY

All Employees shall at all times, comply with the following:

- (i) maintain high standards of dignity, respect and positive regard for one another;
- (ii) understand and appreciate the rights of the individual to be treated with dignity;
- (iii) maintain a work environment, which is free from any kind of harassment; and
- (iv) refrain from committing any acts of Sexual Harassment.

All Employees shall comply with the Act and the Rules and shall cooperate with the Committee in accordance with the terms of this Policy, the Act and the Rules.

4. INTERNAL COMMITTEE

- 4.1 The Board of Directors of the Company ("**Board of Directors**") has delegated authority in favor of Managing Director and CEO of the Company to reconstitute the Internal Committee* for its various workplaces in accordance with the Act (hereinafter referred to as "**Committee**") to consider and redress complaints of Sexual Harassment made by an aggrieved employee and for ensuring time bound treatment of such complaints.
- 4.2 A quorum of three (3) members is required to be present for the proceedings of the Committee to take place. The quorum shall include the Presiding Officer and at least two members, one of whom shall be a lady.

5. PROCEDURE TO FILE A COMPLAINT

- 5.1 A female Employee who is or has been the subject of Sexual Harassment may file a complaint in accordance with the terms of this Policy ("**Complaint**").

Hereinafter, "**Complainant**" shall refer to the Employee filing a Complaint.

- 5.2 A Complaint shall:
- 5.2.1 be made in writing through an email to designated email id of the Committee at Posh.icc@icraanalytics.com and/or through letter along with the supporting documents and names and addresses of the witnesses;
 - 5.2.2 be lodged no later than three (3) months from the date of incident and in case of a series of incidents, within a period of three (3) months from the date of last incident.
 - 5.2.3 be made to any member of the Committee.

The Presiding Officer and members of the Committee shall have access to the email ID and shall use the same for all correspondence with the Complainant.

- 5.3 If the aggrieved Employee is unable to make a Complaint on account of her physical incapacity, a Complaint can be filed with the Committee by her through any other person prescribed under the Rules.

*[*erstwhile referred to as Internal Complaints Committee, renamed vide Ministry notification dated May 9, 2016]*

5.4 The Committee has the discretion not to admit a Complaint in the following circumstances:

5.4.1 the Complaint is lodged after the expiry of time specified under Article 5.2.2 unless the Committee is satisfied that the circumstances were such which prevented the Complainant from filing a Complaint within the said period and such reasons are recorded in writing in which case the time period to file the Complaint may be extended by another three (3) months; or

5.4.2 the Complaint does not fall within the jurisdiction of the Committee;

5.5 If the Committee determines that a Complaint should not be accepted, it shall record the reasons in writing for rejecting the Complaint.

The Complaint shall be made in writing through letter or email with requisite contact details and if the Complainant is unable to file such a Complaint in writing, the Presiding Officer or any member of the Committee shall render all reasonable assistance to such an Employee for making a complaint in writing through letter or email. The Complainant shall submit six copies of the Complaint (applicable for complaint filed through letter).

5.6 Upon receipt of a Complaint, the Committee shall endorse the Complaint in the harassment complaints register ("**Complaints Register**") maintained by the Committee and shall, send one of the copies of Complaint to the person against whom the complaint is made ("**Respondent**"), within seven (7) working days from the date of filing of Complaint.

5.7 The Respondent shall file his/her reply to the Committee along with the list of documents and names and addresses of witnesses, within ten (10) working days from the date of receipt of the copy of Complaint.

5.8 If, in accordance with the Act and/or the Rules, a person makes a Complaint on behalf of an Employee eligible to make a Complaint (e.g. an heir can make a Complaint on behalf of a deceased Employee eligible to file a Complaint), the person filing the Complaint shall be responsible to do all such things as may be required to be done by a Complainant under this Policy, unless otherwise specified under the Act and/or Rules.

6 INQUIRY & INVESTIGATION PROCEDURE

- 6.1 Before initiating an inquiry, the Committee may, at the written request of the Complainant, through letter or email, take steps to settle the matter between the parties through conciliation. However, no monetary settlement shall be made as a basis of conciliation. In the conciliation proceedings, the Committee shall provide every reasonable opportunity to the Complainant and to the Respondent, for putting forward and defending their respective case.
- 6.2 In case a settlement has been arrived between the parties under Article 6.1 above, the Committee shall record the settlement so arrived and forward the same to the Designated Person and provide copies of the settlement to the parties. The “**Designated Person**” shall be the person or director or committee so authorized by Board of Directors for formulation and administration of policies for the Company, under the Act. After successful settlement of the Complaint, no further inquiry shall be conducted by the Committee, except for the reasons stated under Article 6.3 below.
- 6.3 The Committee shall start with a formal inquiry in respect of a Complaint in the following cases:
- (i) no written request has been made by the Complainant for settlement of the Complaint through conciliation; or
 - (ii) the Committee forms the view, after conciliation has commenced that the parties could not arrive at a settlement under Article 6.1 above; or
 - (iii) Respondent fails to adhere to the terms of the settlement arrived under Article 6.1 and 6.2 above.
- 6.4 The inquiry may be conducted by the Committee at such place and time which are convenient for the Complainant. The Complainant must also submit all available corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer shall meet the Complainant and record the statement.
- 6.5 No legal practitioners shall be allowed to represent the parties before the Committee.

- 6.6 The Committee shall have the power 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 three (3) consecutive hearings convened by Presiding Officer of the Committee.
- 6.7 The Committee shall complete the inquiry procedure within a period not exceeding ninety (90) days from the date of commencement of the inquiry pursuant to Article 6.3 above and the Committee shall provide a report of its findings to the Designated Person, complainant and the respondent within a period of ten (10) days from the date of completion of such inquiry ("**Inquiry Report**").
- 6.8 In the event, the Complaint does not fall under the purview of Sexual Harassment or the Complaint does not amount to an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

7 REDRESSAL PROCESS

- 7.1 The Inquiry Report shall contain the decision of the Committee along with appropriate recommendation for the Designated Person. Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Designated Person that no action is required to be taken in the matter.
- 7.2 On the other hand, if the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Designated Person to take any of the following actions against the Respondent:
- (i) to take action for Sexual Harassment as a misconduct and take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counseling session or carrying out community service ("**Disciplinary Actions**"); and/or
 - (ii) to deduct from the salary or wages of the Respondent such sum as the Committee may consider appropriate to be paid to the Complainant or, if she is deceased, to her legal heirs ("**Monetary Compensation**").

7.3 For determination of the Monetary Compensation to be paid to the Complainant under Article 7.2 above, the Committee shall have regard to the following:

- (i) the mental trauma, pain, suffering and emotional distress caused to the complainant;
- (ii) the loss in the career opportunity due to the incident of Sexual Harassment;
- (iii) medical expenses incurred by the victim for physical or psychiatric treatment;
- (iv) the income and financial status of the Respondent;
- (v) feasibility of such payment in lump sum or in installments.

7.4 The Designated Person will direct appropriate action in accordance with the recommendation proposed by the Committee within sixty (60) days of receipt of the Inquiry Report. Further, in case the Designated Person is unable to deduct the Monetary Compensation from salary of the Respondent due to his being absent from duty or cessation of employment, the Designated Person may direct the Respondent to pay such sum directly to the Complainant or, if the Complainant is deceased, to her legal heirs.

7.5 In the event, the Respondent fails to pay the Monetary Compensation referred to in Article 7.4 above, the Designated Person may forward the order for recovery of such sum as arrear of land revenues to the concerned District Officer.

7.6 In case any conduct of the Respondent amounts to a specific offence under the Indian Penal Code or under any other law for the time being in force, the Committee and/or the Designated Person shall initiate appropriate steps in accordance with the law by lodging a complaint with the appropriate authority or shall provide all reasonable assistance to the Complainant for lodging a complaint with the appropriate authority.

8 INTERIM RELIEF DURING PENDENCY OF INQUIRY

8.1 During the pendency of an inquiry the Committee may, on a written request made by the Complainant, recommend the Designated Person for providing the following relief(s) to the Complainant:

- (i) transfer the Complainant or the Respondent to any other work place; or
- (ii) grant paid leave to the Complainant up to a period of three (3) months, in addition to the leave she would be otherwise entitled to; or

- (iii) restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report and assign the same to another officer.

8.2 The Designated Person shall implement such recommendation promptly after receiving the recommendation of the Committee in accordance with Article 8.1 above and shall send the report of such implementation to the Committee.

9 FALSE OR MALICIOUS PROSECUTION

If during the course of an investigation/inquiry, if the Committee finds that the Complainant has filed the Complaint knowing it to be false or any misleading or forged evidence were produced or any witness has given false evidence/misleading documents for maligning the concerned individual or to settle personal/professional grudges, the Committee may recommend the Designated Person for taking Disciplinary Actions against such Complainant.

10 PROTECTION OF COMPLAINANT

- 10.1 Management of the Company shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.
- 10.2 Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the Company and the Committee shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11 DOCUMENTATION & ANNUAL REPORT

- 11.1 The Committee shall keep complete and accurate documentation of every Complaint, its investigation and the resolution thereof. The incident would be documented in the Complaints Register with the full report of the Committee, as per this Policy.
- 11.2 The Committee shall, at the end of each calendar year, analyse all the complaints and prepare a report for submission to the Designated Person and the District Officer. The aforesaid annual report shall comprise of the following details:
 - (i) number of complaint of Sexual Harassment received in the year;
 - (ii) number of complaints disposed off during the year;

- (iii) number of cases pending for more than ninety days;
- (iv) number of workshops or awareness programme against Sexual Harassment carried out;
- (v) nature of action taken by the Employer or District Officer.

11.3 The Designated Person shall ensure that the said annual report contains the information on the number of cases filed and their disposal.

11.4 In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall also be mentioned in the said annual report.

12 CONFIDENTIALITY

12.1 All complaints/grievances of Sexual Harassment are taken very seriously by the Company and will be held in strict confidence. All the Employees are duty bound to maintain complete confidentiality in relation to the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken by the Company. In cases where key witnesses or other stakeholders are required to be taken into confidence for the purpose of completing the investigation, same shall be done only at the strict discretion of the Committee.

12.2 Any Employee responsible for breach of the confidentiality provisions detailed under Article 12.1 of this Policy shall be subject to a Disciplinary Actions and the Designated Person/Company shall recover a sum of Rs. 5,000/- (Rupees Five Thousand only) as penalty from such person.

13 DISSEMINATION OF THE POLICY

This Policy shall be notified, published on the website of the company and circulated at all the Workplaces.

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14 PROCESS FLOW

