

PVR LTD

POLICY ON PREVENTION, PROHIBITION &
REDRESSAL OF SEXUAL HARASSMENT OF
WOMEN AT THE WORKPLACE

I. SCOPE AND OBJECTIVES

1. PVR Limited (the “**Company**”) is committed towards creating a safe, dignified and secure working environment free from harassment, discrimination and gender bias.
2. Accordingly, the Company has adopted this policy on prevention, prohibition and redressal of Sexual Harassment of Women at the Workplace (this “**PoSH Policy**”).
3. This PoSH Policy has been prepared in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (collectively the “**Act**”). The provisions of this PoSH Policy are to be read along with the Act and other applicable laws.
4. This PoSH Policy seeks to *interalia* educate all persons employed or engaged by the Company on what conduct or behavior constitutes Sexual Harassment, focusses on prohibition and prevention of such behavior or conduct, provides a robust redressal mechanism in the event of occurrence of Sexual Harassment at the Workplace, and for matters related or incidental to the foregoing.
5. The Company reserves the right to amend this PoSH Policy from time to time and any such amended PoSH Policy shall be duly notified by the Company.

II. DEFINITIONS

1. “**Act**” has the meaning ascribed to it at Section I. Clause 3.
2. “**Aggrieved Woman**”, in relation to a Workplace means a woman, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment by an Employee of the Company.
3. “**Company**” has the meaning ascribed to it at Section I. Clause 1.
4. “**Complainant**” means an Aggrieved Woman (and / or any person on behalf of the Aggrieved Woman as permitted under Section VI Clause 1(b) of this PoSH Policy read with Annexure B of this PoSH Policy), filing a complaint under this PoSH Policy, alleging Sexual Harassment.
5. “**Employee**” means a person employed with or engaged by the Company for any work on regular, temporary, ad hoc, daily wage or part time 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, consultant, probationer, trainee, apprentice, intern or called by any other such name.
6. “**Employer**” means PVR Limited, acting through the Group Chief Human Resource Officer for

purposes of the Act and this PoSH Policy.

7. **“Internal Committee”** or **“IC”** has the meaning ascribed to it at Section IV Clause 1.
8. **“PoSH Policy”** has the meaning ascribed to it at Section I Clause 2.
9. **“Presiding Officer”** has the meaning ascribed to it at Section IV Clause 2(a).
10. **“Respondent”** means an Employee of the Company against whom the Complainant has made a complaint of Sexual Harassment under this PoSH Policy.
11. **“Sexual Harassment”**
 - (A) Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):
 - (a) physical contact and / or advances;
 - (b) a demand or request for sexual favours;
 - (c) making sexually coloured remarks, gestures or sounds, including but not limited to teasing, innuendos, vulgar jokes, comments of a sexual nature about a person and / or their body or clothing, or other expressions which have a sexual connotation/overtone;
 - (d) showing pornography, erotic or obscene material including displaying images, pictures, signs, etc. of a sexual nature or having a sexual connotation;
 - (e) sexual advances of any kind involving verbal, non-verbal, or physical conduct, whether implicit or explicit;
 - (f) following or contacting/attempting to contact a person repeatedly to foster personal interaction despite a clear indication of disinterest by such person; or
 - (g) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Explanation: Any of the aforesaid acts, conduct or behaviors will, for the purposes of this PoSH Policy, amount to Sexual Harassment, irrespective of whether such act, conduct or behavior was committed in written, printed, graphic, verbal, audio – visual or other form, whether in person or through any mode or channel of communication such as phone calls, audio or video calls, texts, instant messaging, emails, through social media or otherwise.

- (B) 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 (as defined in (A) above), may also amount to Sexual Harassment for the purposes of this PoSH Policy:
 - (a) implied or explicit promise of preferential treatment in the Aggrieved Woman’s employment; or
 - (b) implied or explicit threat of detrimental treatment in the Aggrieved Woman’s employment; or

- (c) implied or explicit threat about the Aggrieved Woman's present or future employment status; or
- (d) interference with the Aggrieved Woman's work or creating an intimidating or offensive or hostile work environment; or
- (e) humiliating treatment likely to affect the Aggrieved Woman's health or safety.

Explanation: Sexual Harassment may occur even in the absence of the circumstances listed in (B) above.

12. **"Workplace"** includes:

- (a) premises, locations, establishments, institutions, offices, branches or units established, owned or controlled by the Company; or
- (b) places visited by an Employee arising out of or during the course of employment or engagement with the Company, including transportation for undertaking such journey; and / or
- (c) Offsites, events or programs (whether business, social or otherwise) organized or attended, by or on behalf of the Company including at a third party's premise.

III. PROHIBITION OF SEXUAL HARASSMENT

- 1. The Company has a zero tolerance policy towards Sexual Harassment at the Workplace.
- 2. Employees are prohibited from engaging in any act of Sexual Harassment at the Workplace.

IV. CONSTITUTION OF INTERNAL COMMITTEES

- 1. The Company shall, by an order in writing, constitute internal committees (each an **"Internal Committee"** or **"IC"**) for each of its offices, branches and administrative units, to conduct an inquiry into a complaint of Sexual Harassment. The order constituting the ICs shall be displayed at conspicuous places at the workplaces, and such orders shall *interalia* contain names and contact details of all the members of the IC.
- 2. Each Internal Committee shall comprise of the following members, to be nominated by the Company:
 - (a) a presiding officer of the IC (**"Presiding Officer"**) who shall be a woman employed at a senior level at the workplace from amongst the employees of the Company. Where a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the Company. Further, in case the other offices or administrative units of the Company do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same Employer or other department or organisation.
 - (b) not less than 2 (two) members from amongst the employees of the Company preferably committed to the cause of women, or who have had experience in social work or have legal knowledge; and

- (c) 1 (one) member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment.
3. For each IC, at least one-half of its total members, shall be women.
 4. Subject to Section IV Clause 5-7 below, the Presiding Officer and every member of an IC shall hold office for such period, not exceeding 3 (three) years, from the date of their respective nomination, as may be specified by the Company.
 5. In case the Presiding Officer or any other member of an IC ceases to be employed or engaged, with the Company, then such person's nomination on the IC shall also automatically be ceased or vacated.
 6. A Presiding Officer or any other member of an IC may resign at any time by tendering his or her resignation in writing to the Company.
 7. Where the Presiding Officer or any other member of an IC:
 - (a) Contravenes the requirements of the Act or this PoSH Policy; or
 - (b) Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
 - (c) Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
 - (d) Has abused his/ her position as to render their continuance in office prejudicial to public interest;
 such Presiding Officer or IC member as the case may be, shall be removed from the IC.
 8. Any vacancy created in an IC (including on account of Section IV Clause 5 to 7 above) shall be filled by a fresh nomination and written order by the Company. Such nomination shall be made as expeditiously as possible and in any case within 7 (seven) days of the date of the vacancy.

V. DUTIES OF THE COMPANY AND IC's

The Company and the ICs shall perform their respective obligations and duties as prescribed under all applicable laws, the Act, and this PoSH Policy including the obligations and duties as set out in Annexure A of this PoSH Policy.

VI. INQUIRY PROCESS

1. Procedure for filing complaints

- (a) Timeline for filing complaints. A Complainant may submit, in writing, a complaint of Sexual Harassment, to the IC within 3 (three) months from the date of the incident and in case of a series of incidents, within a period of 3 (three) months from the date of the last incident. The IC may, for

reasons to be recorded in writing, extend the aforesaid time period by a maximum of 3 (three) more months, if it is satisfied that circumstances were such which prevented the Complainant from making a complaint within the original 3 (three) month period.

- (b) Complaint to be made by. A complaint can be made by the Aggrieved Woman and in certain special circumstances (i.e. in case of physical incapacity, mental incapacity, death or otherwise as provided in Annexure B of this PoSH Policy) by the persons stipulated in Annexure B of this PoSH Policy.
- (c) Complaint to be in writing. The Complainant should make the complaint in writing. However, in case the Aggrieved Woman makes an oral complaint to the IC and is unable to make a written complaint, any member of the IC shall render all reasonable assistance to the Aggrieved Woman for making the complaint in writing. In such case, the Aggrieved Woman shall peruse the written complaint and shall for the purposes of authentication sign the same.
- (d) No. of copies of complaint to be submitted. A Complainant must submit to the IC at least 6 (six) copies of the complaint along with supporting documents and the name and details of the Respondent, and names and addresses of the witnesses, if any.
- (e) Copy to Respondent. On receipt of the complaint, the IC shall send 1 (one) copy of the complaint (and other supporting documents, other details etc submitted by the Complainant to it) to the Respondent within 7 (seven) working days.
- (f) Response by Respondent. The Respondent shall file his/her reply to the complaint along with any supporting documents, and names and addresses of witnesses (if any), within a period of ten (10) working days from the date on which the Respondent received the copy of the complaint from the IC.

A copy of the response so received from the Respondent (along with supporting documents etc) should be shared by the IC, with the Complainant, forthwith.

- (g) Contact details for filing complaint. All complaints should be submitted to the IC

2. Conciliation

- (a) Initiation of Conciliation. Before initiating an inquiry, the IC may, if requested by the Aggrieved Woman in writing, take steps to settle the matter between the Aggrieved Woman and the Respondent through conciliation. However, no monetary settlement shall be made a basis of such conciliation.
- (b) Recording the Settlement. In case a settlement has been mutually arrived at in accordance with sub clause (a) above, the IC shall record in writing the settlement so arrived at and provide a copy of the same to the Aggrieved Woman and the Respondent. The IC shall also forward a copy of the settlement as recorded above to the Employer to take action as specified in the recommendation of the IC.
- (c) No Further Inquiry. No further inquiry shall be conducted by the IC once a settlement has been reached in accordance with this Section VI Clause 2. However where the Aggrieved Woman

informs the IC that any term or condition of the settlement has not been complied with by the Respondent, the IC shall proceed to make an inquiry into the complaint.

3. Inquiry into complaint

- (a) Initiation of Inquiry. In case (i) the Aggrieved Woman does not opt for conciliation or (ii) no settlement is reached through conciliation or (iii) any term or condition of the settlement arrived at after conciliation is not complied with by the Respondent; the IC shall proceed to conduct an inquiry into the complaint.
- (b) Manner of Conducting Inquiry into the Complaint.
- (i) When conducting the inquiry a minimum of 3 (three) members of the IC including the Presiding Officer shall be present.
 - (ii) The IC shall conduct the inquiry into the complaint in accordance with the all applicable laws including without limitation the Act and this PoSH Policy.
 - (iii) The IC shall conduct the inquiry into the complaint in accordance with the principles of natural justice and in a fair, reasonable and transparent manner. This *interalia* includes permitting both parties to be present at the hearings; giving both parties (and their witnesses) an opportunity of being heard; giving both parties (and their witnesses) an opportunity to present their case, evidence, witnesses, and arguments; allowing both parties an opportunity to cross examine / ask questions (whether directly or put through the IC) to the other side and the witnesses; providing both parties a copy of the findings (and giving them an opportunity to make representation against the same); providing both parties a copy of the recommendations and the final report of the IC, and making a reasoned report.
 - (iv) The IC shall ensure that the respect and dignity of all parties concerned is maintained during the proceedings and that the proceedings are conducted in a manner so as to ensure freedom of expression and in an atmosphere free of intimidation and free of victimisation.
 - (v) The IC shall interview the parties, witnesses, other relevant persons (if any) and inspect necessary documents and records.
- (c) Powers of the IC. The Act has vested the IC with certain powers that a civil court has under the Code of Civil Procedure, 1908. Accordingly, the IC shall be vested with the powers of : (a) summoning and enforcing the attendance of any person, and examining him/her on oath, and (b) requiring the discovery and production of documents; as are provided to a civil court under the Code of Civil Procedure, 1908.
- (d) No Right of Representation. The Complainant or the Respondent shall not be allowed to bring in any legal practitioner to represent them in their respective case, at any stage of the proceedings before the IC

- (e) Termination of Proceedings / Ex parte Order. The IC shall have the right to terminate the inquiry proceedings or to give an ex parte decision, in writing, on the complaint, if either of the Complainant or the Respondent fails, without sufficient cause, to present themselves for 3 (three) consecutive hearings before the IC. However, such termination or ex parte order may not be passed without giving a written notice, 15 (fifteen) days in advance, to the party concerned.
- (f) Action During Pendency of Inquiry. During the pendency of the inquiry, on a written request made by the Complainant the IC may recommend to the Employer any of the following reliefs:
 - (i) transfer of the Aggrieved Woman or the Respondent to any other workplace of the Company; or
 - (ii) grant leave to the Aggrieved Woman for up to a period of 3 (three) months (such leave will be in addition to any other leaves such person would otherwise be entitled to); or
 - (iii) restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing the confidential report of the Aggrieved Woman, and assign the same to another officer .

In any event, the IC shall ensure that there is no reporting relationship between the Respondent and the Aggrieved Woman.

Upon receiving the recommendations from the IC, the Employer shall implement the recommendations made and send a report of such implementation to the IC.

4. Completion of Inquiry

- (a) Timeline for Completion of Inquiry. The inquiry by the IC is required to be completed within 90 (ninety) days of the receipt of the complaint.
- (b) Where Allegations are Not Proved. Upon completion of the inquiry, if the IC arrives at a conclusion that the allegation(s) against the Respondent has not been proved, it shall recommend to the Employer, in writing, that no action is required to be taken in the matter.
- (c) Where Allegations are Proved. Upon completion of the inquiry, if the IC arrives at the conclusion that the allegation(s) against the Respondent has been proved, it shall recommend in writing to the Employer to take action against the Respondent, for Sexual Harassment as a misconduct as may be prescribed under applicable laws, applicable service rules, internal policies of Company and /or the terms of the contract with the Respondent which may *interalia* include:
 - (i) Warning;
 - (ii) Written apology;
 - (iii) Reprimand or censure;
 - (iv) Withholding of increments or promotion;
 - (v) Deduction from the salary or wages of the Respondent of such sum (as compensation) as the IC may consider appropriate to be paid to the Aggrieved Woman or to her legal heirs;
 - (vi) Termination from service;

- (vii) Undergoing counseling session; and / or
- (viii) Carrying out community service.

For determination of compensation for the purposes of sub clause (c)(v) above, the IC may take into account the following factors: the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman; the loss in the career opportunity due to the incident of Sexual Harassment; medical expenses incurred by the Aggrieved Woman for physical or psychiatric treatment; the income and financial status of the Respondent; and feasibility of such payment in lump sum or in instalments.

In case the Employer is unable to make deductions from the salary of the Respondent due to his /her being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the Aggrieved Woman. In case the Respondent fails to pay the sum referred to above, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.

(d) Action for false or malicious complaint or false evidence.

Where the IC arrives at a conclusion that (xx) the allegation made by the Complainant against the Respondent is malicious or (xy) the Complainant has made the complaint knowing it to be false or (xz) the Complainant, Respondent, or any witness has produced any false evidence, forged or misleading document or false testimony; it may recommend to the Employer to take action as may be prescribed under applicable laws (including the service rules), internal policies of Company and / or the terms of the contract with the said person and this may *interalia* include :

- (i) Warning;
- (ii) Written apology;
- (iii) Reprimand or censure;
- (iv) Withholding of increments or promotion;
- (v) Termination from the service;
- (vi) Undergoing counseling session; and / or
- (vii) Carrying out community service.

However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.

The findings mentioned in this sub clause 4 (d) shall be established after an inquiry in accordance with the process prescribed before any action is recommended by the IC to the Employer in this regard.

- (e) Timeline for Report by the IC. The IC shall submit a reasoned report (in writing) of its findings and recommendations (as per sub clause (b) to (d) above, as applicable) to the Employer within a period of ten (10) days from the completion of the inquiry. Copies of the said report shall also be made available to the Complainant and the Respondent, within a period of ten (10) days from the completion of the inquiry.
- (f) Implementation by the Employer. Upon receipt of the recommendations of the IC (as provided in this Section VI Clause 4) the Employer shall promptly act upon and implement the same, and in any case no later than sixty (60) days of receipt of the same. The Employer will also send a report evidencing implementation of such recommendations to the IC.

5. Appeal

- (a) Any person who is aggrieved as per the scenarios provided at Section 18 of the Act including aggrieved by any findings or recommendations of the IC or by the non-implementation of the recommendations, may prefer an appeal to the Appellate Authority within 90 (ninety) days from the date of receipt of recommendations of the IC.
- (b) For the purposes of this PoSH Policy, the Appellate Authority shall be the court, tribunal or authority, as may be prescribed under applicable laws, from time to time, for the purposes of filing of an appeal under the provisions of the Act.

6. Protection against victimization

The Company will take all reasonable measures to ensure that any person who has lodged a complaint under this PoSH Policy or given evidence or other assistance as part of an inquiry under this PoSH Policy, in good faith, is protected and not victimized or discriminated against in his/her career at the Company. If for any reason, any person including the Aggrieved Woman or a witness is victimized, it will be treated as a serious offence with suitable disciplinary action and punishment against the perpetrator.

7. Third Party Harassment

In the event of an occurrence of any instance of Sexual Harassment with respect to an Aggrieved Woman as a result of an act by a third party or an outsider at the Workplace (where such third party or outsider is not an Employee of the Company), the Company will take necessary and reasonable steps to assist such affected person including, but not limited to providing assistance to such person should they wish to file a complaint under the Indian Penal Code, 1860.

8. Confidentiality

- (a) Special privacy and confidentiality safeguards will be applied to the complaints, process and inquiry under this PoSH Policy and all complaints will be handled on a strictly confidential “need to know” basis only. Publishing/communicating or in any other manner making known to other people in the Company, or to the public, press or media, any information in relation to the contents of the complaint, the identity and addresses of the Complainant, Respondent and

witnesses, the conciliation and inquiry proceedings, findings or recommendations of the IC, or the action taken by the Company, in any manner, and by any person, is prohibited. However, information may be disseminated regarding the justice secured to any victim of Sexual Harassment without disclosing the name, address, identity or any other particulars, which may lead to the identification of the Aggrieved Woman, the Complainant, Respondent and/ or witnesses.

- (b) If this provision is contravened, the Employer shall be entitled to take all steps to secure confidentiality, and also take all actions in accordance with the Act, Company policies and / or provisions of the contract with such person for such breach including recovering from such person such sum as penalty as may be prescribed thereunder.

ANNEXURE A**Duties and Obligations of the Company and the IC****I. Duties and Obligations of the Company**

The Company shall *interalia*:

1. Provide a safe working environment at the Workplace which shall include safety from the persons coming into contact at the Workplace, and providing a safe working environment free from Sexual Harassment.
2. Display at conspicuous places in the Workplace, the penal consequences of Sexual Harassment, the order constituting the ICs (include the names and details of the IC members), and widely disseminate at the Workplace a copy of this PoSH Policy and the Act.
3. Organise at regular intervals (a) workshops and awareness programmes for sensitizing the Employees with interalia the provisions of the Act and this PoSH Policy and (b) orientation, capacity / skill building and training programmes for the members of the ICs.
4. Provide necessary facilities, assistance and information to the ICs for dealing with the complaints and conducting the inquiries thereof.
5. Assist in securing attendance of the Respondent and witnesses before an IC.
6. Provide assistance to the Aggrieved Woman if she chooses to file a complaint or FIR in relation to an offence under the Indian Penal Code, 1860 or any other applicable law for the time being in force.
7. Cause to initiate action, under the Indian Penal Code, 1860 or any other applicable law for the time being in force, against the perpetrator, or if the Complainant so desires, where the perpetrator is not an Employee, in the workplace at which the incident of Sexual Harassment took place.
8. Treat Sexual Harassment as a misconduct (including under the service rules) and initiate action for the same.
9. Monitor the timely submission of the reports by the IC.
10. Comply with all the reporting requirements under applicable laws including as prescribed under the Companies Act 2013, and under Section 21 and 22 of the Act and submit annual reports to the respective District Officers (as specified under the Act) in a form and comprising details, as required under the Act.
11. Comply with all applicable laws, and the provisions of the Act and this PoSH Policy.
12. Widely disseminate this PoSH Policy for prohibition, prevention and redressal of Sexual Harassment at the Workplace, intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against any person.

II. Duties and Obligations of the IC

The IC shall *interalia*:

1. Conduct the inquiry into complaints relating to Sexual Harassment in a fair, diligent and expeditious manner, and to comply with all applicable laws, the provisions of Act, this PoSH Policy and other applicable Company policies and guides.
2. Recommend appropriate psychological, emotional and any other necessary support (counseling, security and other assistance) for the Aggrieved Woman and / or the Respondent, as the IC may deem necessary in its discretion, in the given circumstances of a case.
3. Maintain a proper record and documentation of the proceedings of the inquiry including discussions held by the IC with the Complainant , Respondent, witnesses, etc. during the course of the inquiry proceedings.
4. Ensure strict confidentiality of the IC proceedings including any and all information in relation to the contents of the complaint, the identity and addresses of the Complainant, Respondent and witnesses, the conciliation and inquiry proceedings, findings or recommendations of the IC, the action taken by the Company, etc
5. Take all necessary and reasonable steps to ensure protection of the Complainant / witnesses against discrimination/ victimization/ retaliation and recommend appropriate action in case of occurrence thereof.
6. Prepare an annual report at the end of the year and submit such report to the Employer and to the concerned officer prescribed under the Act. The annual report shall be in a form and containing the details required under the Act including the following details:
 - (a) number of complaints of sexual harassment received in the year;
 - (b) number of complaints disposed off during the year;
 - (c) number of cases pending for more than 90 (ninety) days;
 - (d) number of workshops or awareness programmes against sexual harassment carried out; and
 - (e) nature of action taken by the employer or the concerned officer under the Act.

ANNEXURE B

Persons who can file complaints on behalf of an Aggrieved Woman

1. In case the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed, with the written consent of the Aggrieved Woman, by :
 - (a) her relative or friend; or
 - (b) her co-worker; or
 - (c) an officer of the National Commission for Women or State Women's Commission; or
 - (d) any person who has knowledge of the incident.

2. In case the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
 - (a) her relative or friend; or
 - (b) a Special Educator; or
 - (c) a qualified psychiatrist or psychologist; or
 - (d) the guardian or authority under whose care the Aggrieved Woman is receiving treatment or care; or
 - (e) any person who has knowledge of the incident jointly with (i) the Aggrieved Woman's relative or friend or (ii) a Special Educator or (iii) a qualified psychiatrist or psychologist, or (iv) guardian or authority under whose care the Aggrieved Woman is receiving treatment or care.

For the purposes of this PoSH Policy, "**Special Educator**" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

3. In case the Aggrieved Woman 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 the Aggrieved Woman's written consent.

4. In case of death of the Aggrieved Woman, a complaint may be filed by any person who has knowledge of the incident, with the written consent of Aggrieved Woman's legal heir(s).
