

Prevention of Sexual Harassment at Workplace (POSH) – India

(version 2.0)

Purpose

We treat each other with respect and dignity and expect everyone to take personal responsibility for their behaviour. We recruit competent and motivated people who respect our values and we provide equal opportunities for their development and advancement; protect their privacy and **do not tolerate any form of harassment or discrimination**.

This policy provides protection against Sexual Harassment at the Workplace and provides for any complaints of Sexual Harassment and matters related to it, to be addressed.

Scope

This Policy must be followed by all team members, vendors and all other stakeholders that we work with and / or are connected with.

This Policy applies to the following people:

- Cis-women: Cis-woman is a person whose gender identity matches with the 'female' sex assigned to them at birth.
- Transwomen: A person who is assigned gender male at birth (PAGMB) but identifies with the gender woman/female. The person may or may not have undergone sex reassignment surgery/procedures.
- Cis-Men: Cis-man is a person whose gender identity matches with the 'male' sex assigned to them at birth.
- Transmen (A person who is assigned gender female at birth (PAGFB) but identifies with the gender man/male. The person may or may not have undergone sex reassignment surgery/procedures) and other Transgender Persons shall be handled in line with provisions of Transgender Persons (Protection of Rights) Act, 2019 & Rules, 2020.

In the above context, "Transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.

"Person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body and "Person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body.

This Policy also extends to circumstances in which team members are working virtually, or in any other location as may be necessary for team members to carry out their role.

Definitions

Sexual Harassment may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a Unispace team member and someone that the team member deals within the course of their work, who is not employed by Unispace.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

Any unwelcome, sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:

- Physical contact and advances including touching, deliberately brushing against another person, interference with an individual's normal work movement, or assault;
- Demand or request for sexual favours, offensive or unwelcome flirtations, unwanted sexual advances or propositions, threats or suggestive or insulting sounds;
- Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body that contain sexual tones/undertones, including repeated sexual innuendoes, sexual epithets, derogatory slurs, sexually explicit jokes;
- Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

The following circumstances, if they occur or are present in relation to any sexually determined act or behaviour, amount to Sexual Harassment :

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

The inappropriate behaviours listed above may be committed either verbally or in written form via letters, video calls/audio calls, phone calls, texts, e-mails, on any social media platform or through any other electronic communication.

The reasonable person standard is used to determine whether or not the conduct was offensive. and what a reasonable person would have done. The determination of whether harassment has occurred or not, does not depend on the intention of an individual, but on the experience of the Aggrieved Person.

Aggrieved Person: In relation to a Workplace, is any Cis-woman, Trans-Woman or a Cis-Man, of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

Complaints filed by Transmen and other Transgender Persons shall be handled as per provisions of Transgender Persons (Protection of Rights) Act, 2019 and Rules, 2020.

Respondent: A person against whom a complaint of Sexual Harassment has been made by the Aggrieved Person.

Employee: A person employed at the Workplace, for any work on regular, temporary, ad-hoc, or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary

basis or otherwise, whether the terms of employment are express or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

Workplace: In addition to the place of work it shall also include any physical or digital space where the Aggrieved Person or the Respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with the Company, including transportation provided for undertaking such a journey.

Employer: A person responsible for management, supervision and control of the Workplace.

Roles and Responsibilities

Responsibilities of Individual: It is the responsibility of all individuals to respect the rights of others and to never encourage harassment. Examples include:

- Refusing to participate in any activity which constitutes harassment
- Supporting the person to reject unwelcome behaviour
- Acting as a witness if the person being harassed decides to lodge a complaint

We encourage all team members to advise others of behaviour that is unwelcome. Often, some behaviours are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.

Redressal Mechanism – Formal Intervention

In compliance with the The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, if the complaint warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy.

Internal Committee (Henceforth known as ‘committee’)

To prevent instances of Sexual Harassment and to receive and effectively deal with complaints relating to Sexual Harassment, an "**Internal Committee**" (IC) is constituted at each location.

The committee at each location comprises of:

- **Presiding Officer:** A woman employed at a senior level in the organisation or Workplace
- **Members:** At least two members from amongst employees, committed to the cause of women and/or having legal knowledge
- **External Member:** One external member, familiar with the issues relating to Sexual Harassment
- At least one half of the total members are comprised of women

The **committee** is responsible for:

- Receiving complaints of Sexual Harassment at the Workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines

- Submitting annual reports in the prescribed format

Current nominated members of the committees are listed below.

First Name	Designation in IC	Designation in Company	Gender	Email
Mumbai				
Khushbu Nikhil Kulkarni	Presiding Officer	P&C Business Partner	Female	khushbu.kulkarni@unispace.com
Neha Sethi	Member	Principal Designer	Female	nehasethi@unispace.com
Ashish Mundawane	Member	Azure Security Specialist	Male	ashish.mundawane@unispace.com
Mukti Shukla	Member	Finance Controller	Female	mukti.shukla@unispace.com
Shivangi Prasad	External Member	NA	Female	shivangi @thelegalswan.com
Bangalore				
Khushbu Nikhil Kulkarni	Presiding Officer	P&C Business Partner	Female	khushbu.kulkarni@unispace.com
Neha Sethi	Member	Principal Designer	Female	neha.sethi@unispace.com
Nethra Gowda	Member	Manager of Administration	Female	nethra.gowda@unispace.com
Shivangi Prasad	External Member	NA	Female	shivangi @thelegalswan.com

Lodging a Complaint

A complaint must be lodged within **three months** from the date of incident/ last incident. The Committee can extend the timeline by **another three months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman to help make the complaint in writing.

Complaints on behalf of an Aggrieved Person

If the Aggrieved Person is unable to make a complaint on account of their physical incapacity, a complaint may be filed, with the written consent of the Aggrieved Person by:

- their relative or friend; or
- their co-worker; or
- an officer of the National Commission for Women or State Women's Commission; or
- any person who has knowledge of the incident

If the Aggrieved Person is unable to make a complaint on account of mental incapacity, a complaint may be filed by:

- their relative or friend; or
- a special educator; or
- a qualified psychiatrist or psychologist; or
- the guardian or authority under whose care they are receiving treatment or care; or
- any person who has knowledge of the incident jointly with the Aggrieved Person's relative or friend, or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care they are receiving treatment or care.

If the Aggrieved Person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent. If the Aggrieved Person is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

Any of the persons referred to above, who may file a complaint on behalf of the Aggrieved Person shall be referred to as the "Complainant." Any reference to the term 'Complainant' throughout this Policy shall mean reference to 'Aggrieved Person' and / or the 'Complainant' as applicable.

The Complainant can make a complaint of Sexual Harassment to the IC. The following need to be kept in mind:

The complaint has to be in writing.

The Complainant should provide (if possible) as many specific details as possible including incidents, dates, and people that are involved in their complaint. Details with respect to the following may be provided while filing a complaint:

- The alleged event, matter, or issue that is subject to the complaint (time/date/place etc.)
- The name and details of the Respondent against whom the complaint is being filed
- Names and addresses of the witnesses (if any)
- Details of documentary evidence (if any) such as WhatsApp chat records, SMS, E-mails, CCTV Footage, Audio / Video recording etc. and
- Any additional information, documentation or other evidence available to support the complaint (if any)

Receiving a Complaint (guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situations are not be pre-judged. Written notes are to be taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainant's own words, where possible, shall be used. A clear description of the incident should be prepared in simple and direct terms and details confirmed with the complainant.
- All notes shall be kept strictly confidential. Complainant must agree to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the Respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity

Care is taken to prevent any disadvantage to or victimization of either the complainant or the Respondent.

Process for Conciliation

Once the complaint is received and before initiating the inquiry, the committee may, at the written request of the Complainant, take steps to reconcile the complaint between the complainant and the Respondent.

- It is not mandatory for the Complainant to request Conciliation
- Conciliation cannot take place if an inquiry has already started.
- If a settlement is reached, the committee will record and report this to Unispace to take appropriate action.
- The committee shall provide copies of the settlement to the complainant and Respondent.
- If conciliation has been reached, the IC will not be required to conduct any further inquiry.
- Monetary settlement cannot be made the basis of such conciliation.
- If the Complainant feels that the terms of Settlement are not being complied with by the Respondent, or action has not been taken by Unispace, the Complainant can make a written complaint to the IC to conduct an inquiry into the complaint.
- Conciliation in itself doesn't necessarily mean acceptance of the complaint by the Respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

Resolution Procedure through Formal Inquiry

Conducting an Inquiry

The committee will initiate an inquiry in the following cases:

- The Complainant does not wish to go for Conciliation.
- No conciliation is requested by the Complainant.
- Conciliation has not resulted in any settlement.

- The Complainant informs the committee that any term or condition of the settlement arrived at through conciliation, has not been complied with by the Respondent.

Procedure

Upon receipt of the complaint, the committee shall send a copy of the complaint to the Respondent within seven working days

- The Respondent must reply with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Committee will make an inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members, including the Presiding Officer and External Member, shall be present
- The IC has 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 necessary for the inquiry process. Any refusal by any Unispace team member to attend any hearing before the IC when summoned, or to provide to the IC, any documents and / or information within their power or possession, shall constitute misconduct, rendering the team member for adverse action by Unispace .
- The IC shall notify the Complainant, the Respondent and witnesses in writing, of the time and dates of its meetings.
- All inquiry proceedings will be documented in detail and treated as strictly confidential with restricted viewing only, on a need to know basis.
- Inquiry proceedings shall be minuted / recorded in writing. They may be audio recorded as well (where possible). The minutes / transcribed record of the proceedings, and the statement of witnesses shall be endorsed by the persons concerned and the IC.
- All colleagues and witnesses who are part of the IC proceedings will need to sign a confidentiality declaration.
- The IC will be sensitive to the often covert, private, and insidious nature of sexual harassment and shall take into account that often the Complainant may not be able to submit or present direct or corroborative evidence.
- The IC shall take note of the respective socio-economic positions of the parties, their hierarchy in the Workplace, and other power differentials while giving recommendation.
- While inquiring into a complaint, IC shall take note that in cases of harassment via postings and messages through electronic and social media, the IC shall consider the public humiliation that this involves for the Complainant, as well as the unwitting exposure of others who are using this media to circulate such messages and images.

Interim relief

During the inquiry, upon written request made by the complainant, the committee may recommend that Unispace:–

- Transfers the complainant or the Respondent to any other Workplace

- Grants leave to the Aggrieved Person of a maximum of three months, in addition to any leave to which **she** would be otherwise entitled
- Prevents the Respondent from assessing the complainant's work performance
- In cases where the complaint has been filed by an intern or an apprentice working under the Respondent, that Unispace stops the Respondent from supervising any official / academic activity of the Complainant and assigns this responsibility to another team member.
- Grants such other relief as may be appropriate
- Unispace will inform the Committee once the recommendations of interim relief are implemented.

Termination of Inquiry

The Committee may terminate the inquiry or give an ex-parte decision, if either the Complainant or Respondent is absent for three consecutive hearings, without reason. 15 days written notice will be given to the team workers involved, before termination of the inquiry or ex-parte order.

Inquiry procedure

- All proceedings of the inquiry will be documented. The Respondent will be given full opportunity to respond and provide any evidence. Detailed notes of the meetings will be taken, which may be shared with the Respondent and complainant upon request. Any witnesses produced by the Respondent will also be interviewed, and statements taken.
- If the complainant or Respondent wishes to cross examine any witnesses, the Committee will facilitate this and record the statements.
- If the Complainant or Respondent wishes to ask questions to the other party, they may give the questions to the Committee to ask. The Committee will record responses.
- Any such inquiry shall be completed, including the submission of the Inquiry Report, within **90 days** from the date on which the complaint is submitted to the IC. The inquiry procedure is designed to ensure fairness to all parties.

Considerations while preparing an inquiry report

While preparing the findings/recommendations, the following guidelines will be considered:

- Whether the language used (written or spoken), visual material or physical behaviour, was of a sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- The credibility of the Complainant, the Respondent, the witnesses and the evidence
- Other similar facts, evidence - for example, if there have been any previous accounts of harassment pertaining to the Respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings will be shared with the Complainant and the Respondent to give them an opportunity to make a representation on the findings to the Committee.

Action to be taken after inquiry

After completion of the inquiry, the Committee will submit its report containing the findings and recommendations to Unispace within **10 days** of completion of the inquiry.

The findings and recommendations will be reached from the facts established, and accurately recorded.

If the situation requires, or upon request of the complainant, Respondent or witness, Management at Unispace may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimisation or distress during, or subsequent to, the course of inquiry, pending the final outcome.

Complaint unsubstantiated

Where the committee arrives at the conclusion that the allegation against the Respondent has not been proved, it may recommend to the Unispace that no action be taken.

The committee shall also ensure that both parties understand that the matter has been fully investigated, that the matter is now concluded and that neither will be disadvantaged at Unispace.

Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the Respondent has been proved, it will recommend necessary action for Sexual Harassment as misconduct, in accordance with the applicable service rules and policies. This may include:

- Counselling.
- Censure or reprimand.
- A written apology from the Respondent.
- A written warning that may be placed in the Respondent's personnel file.
- Withholding promotion and/or increments.
- Suspension with or without pay
- Immediate Transfer or Termination.
- Community Service.
- Deduction from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to their legal heirs. In cases where Unispace is unable to make deductions from salary of the Respondent due to them being absent from duty or cessation of their employment, it may direct the Respondent to pay this sum to the Complainant. If the Respondent fails to pay the sum, the IC may forward the order for recovery of the sum, as an arrear of land revenue, to the appropriate district officer.

The IC may consider various factors as required under Law for the purpose of determining the sums to be paid to the Complainant, and may take the following into consideration:

- the mental trauma, pain, suffering, and emotional distress caused to the Complainant
- the loss of career opportunity due to the incident of sexual harassment
- medical expenses incurred by the victim for physical or psychiatric treatment
- the income and financial status of the Respondent
- the feasibility of such payment in lump sum or in instalments

Unispace must act upon the recommendations within 60 days and confirm its actions to the committee

Post implementation actions

Follow up with the complainant will take place to find out whether the behaviour has stopped, whether the solution is working satisfactorily, and to confirm that no victimisation of either party is occurring. This follow-up will be the responsibility of the Complainant's Line Manager supported by the People team.

Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the Respondent is malicious, or the Aggrieved Person or any other person making the complaint has made the complaint knowing it to be false, or the Aggrieved Person or any other person making the complaint has produced any forged or misleading document, it may recommend that Unispace takes action against the Complainant.

The action recommended should be similar to the ones proposed for the Respondent in case of substantiated complaints.

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

Confidentiality

The identity of the complainant, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, and action taken by the employer are considered as confidential materials, and not published or made known to public or media or others. However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

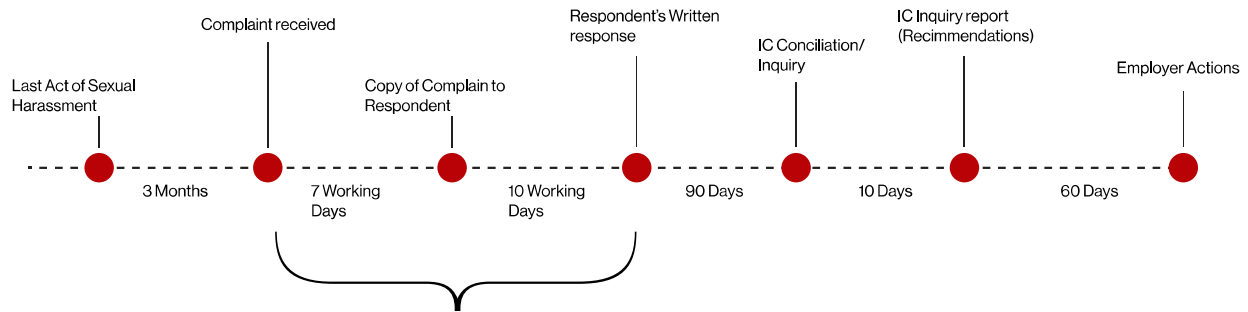
Appeal

Where the inquiry process is conducted by the IC and the Complainant is a Cis-woman or Transwoman, any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.

In cases where the Complainant is a Cisman, either party aggrieved (Complainant or Respondent) by the recommendations of the IC and / or non-implementation of recommendations can get in touch with Rajesh Manne, who will review the appeal.

In cases where the Complainant is a Transman or any other Transgender Person, the inquiry procedure and appeals would follow the provisions of Transgender Persons (Protection of Rights) Act, 2019 and Rules, 2020 and / or other internal policies as may become applicable.

TIMELINES



Protection against Retaliation

There will be no retaliation against anyone who, in good faith, files a complaint or participates in any way in the inquiry of a complaint. Unispace will not allow retaliation against that person. Individuals engaging in retaliatory conduct will be subject to strict disciplinary action and if necessary, legal action and/or a police complaint. If you suspect that you, or someone you know has been retaliated against for raising an issue, please contact the IC immediately.

Filing a Complaint with the Police

Nothing in these rules and procedures shall preclude anybody from simultaneously lodging a complaint with the police in respect of any act amounting to an offence under the law. Unispace will provide assistance in this regard, if assistance is sought. This Policy is not intended to impair or limit the right of any team member seeking a remedy available under any law. Proceedings under this Policy shall continue notwithstanding any proceedings initiated by a Complainant (as defined hereinafter) against a Respondent under any law in force.

In the case of a complaint of sexual harassment or any other offence against a child, as per the Protection of Children from Sexual Offences Act, 2012 ("POCSO"), or in case of an offence by a child, the provisions under POCSO and Juvenile Justice (Care and Protection of Children) Act, 2015 may become applicable and would have to be dealt with in accordance with these laws. A child is any person below the age of eighteen years.