
*Policy on Prevention of Sexual
Harassment*

Vivriti Capital Private Limited



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Introduction

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail.

Our Policy on Prevention of Sexual Harassment at workplace intends to provide protection against sexual harassment of our employees at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

Definitions

1. **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 Vivriti Capital’s employee and someone not employed by Vivriti Capital that s/he deals with during his/her work. Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):
 - a) 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;
 - Demand or request for sexual favours;
 - Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body;
 - 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;
 - Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes;
 - Giving gifts or leaving objects that are sexually suggestive;
 - Eve teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy;
 - Persistent watching, following, contacting of a person; and
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
 - b) The following circumstances if it occurs or is 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 the 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 his/her health or safety.

Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved party.

2. **Aggrieved Party:** In relation to a workplace, an employee, of any age, who alleges to have been subjected

to any act of sexual harassment by other employee(s) and non-employee(s) during work hours for work reasons.

3. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved party.
4. **Workplace:** In addition to the place of work, it shall also include any place where the aggrieved party or the respondent visits in connection with his/her work, during and/or arising out of employment/ contract/ engagement with Vivriti Capital, including transportation provided for undertaking such a journey.
5. **Employer:** A person responsible for management, supervision and control of the workplace

Constitution of Internal Complaints Committee (Henceforth known as 'committee')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Complaints Committee**" is constituted at **each** location. The detail of the committee is notified to all employees at the location (workplace).

The committee at each location comprises of a minimum of four members as follows:

- Presiding Officer: A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees
- One external member, familiar with the issues relating to sexual harassment

It must be ensured that >50% of the committee members are 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

The term of the committee members is 3 years only.

Current nominated members of the committees are given on Vivriti Capital's website.

Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant's 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. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by **another 3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the employee for making the complaint in writing.

If the aggrieved party is unable to lodge the complaint in account of his/her incapacity, the following may do so on his/her behalf, **with explicit written consent**.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Receiving a Complaint

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

- All conversations are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation. The complainant's agreement is taken to lodge a formal complaint with the presiding officer of the committee
- 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

Resolution procedure through conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. **This is only if requested by the aggrieved party.**

It is made clear to all parties that conciliation doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation should happen within **2 working days** of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted

Resolution procedure through formal inquiry

Conducting Inquiry

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved party
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of **4 working days** of its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 2 working days
- Respondent replies with all supporting documents within 2 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes 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 is present

Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved party of maximum 3 months, in addition to the leave s/he would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

Termination of Inquiry

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

Inquiry procedure

All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within **90 days** from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

Complaint unsubstantiated

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the company.

Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- Counselling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved party or any other person making the complaint has made the complaint knowing it to be false or the aggrieved party or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take one of the following actions:

- Counselling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination

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 during the inquiry.

Appeal

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.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained during inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

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

Access to reports and documents

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by Vivriti capital except where disclosure is required under disciplinary or other remedial processes.

Protection to Complainant/Victim

Vivriti Capital is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. Vivriti Capital will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure with established malicious intent will be penalized as outlined above.

Vivriti Capital's commitment to upholding the policy

We are committed to providing a safe working environment for our employees and we undertake to:

- Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee
- Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the internal Committee in the manner as may be prescribed
- Provide necessary facilities to the Internal Committee or the Local Committee for dealing with the complaint and conducting an inquiry;
- Assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee and make available such information to the Internal Committee or the Local Committee, as the case may be.
- Provide assistance to the employee if s/he so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being
- Cause to initiate action, under the Indian Penal Code or any other law in force, against the perpetrator, or if the aggrieved employee so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place
- Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- Monitor the timely submission of report by the Internal Committee.

IC Meetings

The members of the IC shall meet at least 4 times a year. The Chairperson shall preside over the meeting. In the absence of the Chairperson, the second senior female Faculty member shall preside over the meeting.

- The quorum of the meeting of the Committee shall be five of its members.
- In the case of any disagreement among the members regarding any decision, Chairperson of the Committee shall hold the authority to take the final decision and her decision would be considered as final.

POSH training at Vivriti Capital

The “Prevention of Sexual Harassment” training would be conducted at least once a year at Vivriti Capital and the attendance of all the employees is mandatory. The training would be conducted by the Chairperson of the IC.

For new employees joining Vivriti Capital, it is mandatory to attend the internal POSH training conducted every quarter for new joiners. This shall be checked before confirming the employee at the end of probation period.

