Prevention of Sexual Harassment (POSH Policy)

Objective

Rosmerta Digital Services Limited is committed to providing a work environment which ensures that every Employee of the Rosmerta Digital Services Limited is treated with dignity, respect and is afforded an equal treatment at the Workplace. The Rosmerta Digital Services Limited is also committed to promote a work environment that is conducive to the professional growth of all its Employees and encourages equality of opportunity. Rosmerta Digital Services Limited has a zero tolerance policy against any form of Sexual Harassment and has taken all necessary steps to ensure that its Employees are not subjected to any form of Sexual Harassment. This Policy lays down the procedure in accordance with the Sexual Harassment of Woman at Workplace Act, 2013 and implement the same in the Organization and redress the complaints received from Women who are subjected to sexual harassment.

Scope

This Policy covers every Employee of the Rosmerta Digital Services Limited. It includes all categories of Employees including permanent management and workmen, temporary appointees, trainees and employees on contract at its workplace or at client sites. The Policy is with respect to prevention, prohibition & redressal of Sexual Harassment which may arise in places not limited to geographical location viz. the Rosmerta Digital Services Limited's offices/branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an Employee during the course of employment including transportation provided by the Employer for undertaking such visit. The Policy includes Sexual Harassment or any unwelcome behaviour of a sexual nature by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsource employees.

Definitions

Definitions of some of the terms used in this policy are as follows:

- "**Act**" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- "**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 Rosmerta Digital Services Limited.
- "**Complainant**" means an Aggrieved Woman (and / or any person on behalf of the Aggrieved Woman as defined under Section 2 (a) of the Act).
- "**Employee**" means a person employed with or engaged by the Rosmerta Digital Services Limited 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.
- "**Employer**" means Rosmerta Digital Services Limited, acting through the Chief Human Resource Officer for the purposes of the Act and this POSH Policy.
- "**Internal Committee" or "IC**" as defined under defined under Section 2 (h) and constituted under section 4 of the Act.
- "**Presiding Officer**" as defined under Section 2 (l).
- "**Respondent**" means an Employee of the Rosmerta Digital Services Limited against whom the Complainant has made a complaint of Sexual Harassment under this POSH Policy.
- **"Sexual Harassment"** Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

(a) physical contact and / or advances;
(b) a demand or request for sexual favors;
(c) making sexually colored 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 ispresent in relation to or connected with any act or behavior 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 employmentstatus; or
(d) Interference with the Aggrieved Woman's work or creating an intimidating or offensive orhostile 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 above.

- **"Unwelcome"** means behavior that is not welcome, not solicited and not wanted by the offended person.

- "**Workplace**" includes:

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

Policy Statements - Prohibition of Sexual Harassment

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

Constitution of Internal Committees

- The Rosmerta Digital Services Limited shall, by an order in writing, constitute Internal Committees (each an "Internal Committee" or "IC") for each of its company, 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.
- Each Internal Committee shall comprise of the following members, to be nominated by the Rosmerta Digital Services Limited:
  - A Presiding Officer of the IC who shall be a woman employed at a senior level at the workplace from amongst the employees of the organization. Where a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the Organization. Further, in case the other offices or administrative units of the organization 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 organization.
  - not less than 2 (two) members from amongst the employees of the Rosmerta Digital Services Limited preferably committed to the cause of women, or who have had experience in social work or have legal knowledge; and
  - 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.

- For each IC, at least one-half of its total members, shall be women.

- The IC at present consist 05 (five) members, who form a part of the panel, having one presiding officer followed by three internal members and one external member as detailed below:

List of IC Members

1. **Presiding Officer: Ms. Meenakshi Pandey**

   Designation: Sr. VP -Operation
   Email id: posh@rosmertatech.com

2. **External Member: Mr. Saurabh Munjal**

   Designation: External Member (Advocate and Labour Law Consultant)

3. **Member: Mr. Ramesh Gupta**

   Designation: Chief Commercial Officer

4. **Member: Ms. Shweta Mishra**

   Designation: Senior Manager-Operations

5. **Member: Ms. Nisha Agarwal**

   Designation: Assistant Manager – IT

- In case the Presiding Officer or any other member of an IC ceases to be employed or engaged, with the Organization, then such person's nomination on the IC shall also automatically be ceased or vacated.
- 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 Group Company.

Duties of the Group Company/Organization and IC

Rosmerta Digital Services Limited Company (ies) and the IC shall perform their respective obligations and duties as prescribed under all applicable laws, the Act, and this POSH Policy including the obligations and duties asset out in Annexure A of this POSH Policy.

HR will conduct regular Training & Awareness sessions at least once in a year.

Inquiry Process

- ## 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) by complainant's relative's friend, relative, co-worker or any other person who has knowledge of the incident with the written consent of the complainant. In case of complainant's death, by any person who has knowledge of the incident with the written consent of the legal heir.

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) 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.

e) 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.

f) Contact details for filing complaint: All complaints should be submitted to the Internal Committee constituted.

• 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 the provisions of the Act. 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.

• 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 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 (at the last available address and email address of the party with the organization).

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 organization; 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.

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

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

- ## 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 Group Company and /or the terms of the contract with the Respondent

- ## Action for false or malicious complaint or false evidence.

Where the IC arrives at a conclusion that the allegation made by the Complainant against the Respondent is malicious or the Complainant has made the complaint knowing it to be false orthe 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 Group Company and / or the terms of the contract with the said person However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.

The findings mentioned in the above heading "action for false and malicious complaint" shall be established after an inquiry in accordancewith the process prescribed before any action is recommended by the IC to the Employer in this regard.

- ## Timeline for Report by the IC.

The IC shall submit a reasoned report (in writing) of its findings and recommendations 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.

d) Implementation by the Employer.

Upon receipt of the recommendations of the IC 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.

- ## Appeal

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 i.e. before the Court or Tribunal in accordance with the service rules within 90 (ninety) days from the date of receipt of recommendations of the IC.

- ## Protection against victimization

The Employer / Head of the Organization may consider relocating the Complainant to another location to protect her against any vindictive response/behavior from the Respondent or others if required and if she desires so.

- **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 Rosmerta Digital Services Limited, 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 theaction taken by the Group 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, Rosmerta Digital Services Limited 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.

- **Meeting of the internal Committee members**

The internal committee members shall conduct a meeting at an interval not exceeding 6 months. The meeting may be conducted with a minimum quorum available. For the stated purpose, the meeting may be held in physical form or on a virtual platform. The agenda of such meetings will be recorded and MOMs will be required to substantiate that these meetings are being convened. The agenda of meeting should include:

(i) Review of complaints received in the past and the conclusion.
(ii) To deliberate on any aspect of the organization related to the area of sexual harassment, including complaint(s) if any.
(iii) Steps to be taken within the organization to allay any chances of occurrence of sexual harassment.

- **Submission of the Annual Report**

The Internal Committee to submit annual report: The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and to the District Officer.