

PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY



FALABELLA
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Falabella Corporate Services India Private Limited (hereinafter referred to as FALABELLA India) has 'zero tolerance' for discrimination and harassment. We are committed to maintaining a workplace free from discrimination or harassment, including sexual harassment. FALABELLA India does not accept, condone, or tolerate discrimination or harassment by any employee, applicant, customer, contractor, vendor, consultant or business partner on the basis of gender (including pregnancy), race, color, national origin, religion, age, disability, genetic information, military status, sexual orientation, gender identity or any other protected classification under law. Every employee has the right to a working environment free from intimidation and harassment.

In pursuance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act"), and the Rules, FALABELLA India has framed the Policy on Prevention of Sexual Harassment (POSH) at the Workplace ("the Policy").

Policy Statement

The Policy on POSH at FALABELLA India prevents and prohibits sexual harassment of its employees in any form or kind at the workplace. In the event of its occurrence, provides for an effective complaints and redressal mechanism without fear of reprisals of any form or kind.

Scope / Applicability

- This Policy applies to all employees, which includes a person employed at FALABELLA India 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any such name.
- The Policy shall apply to all allegations of sexual harassment made by an employee against another employee occurring, or having occurred at (i) the workplace, (ii) at any place visited by the employee arising out of or during the course of employment with FALABELLA India, or (iii) transportation provided by FALABELLA India for undertaking such travel.
- This policy is gender neutral and is applicable to all employees employed at FALABELLA India.

Definitions

- ❖ **Act** means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules thereof.
- ❖ **Company** means FALABELLA India having its registered office at 1st Floor, L1, Block Banyan (L1), Manyata Embassy Business Park, SEZ, Outer Ring Road Bangalore – 560045, Karnataka, India
- ❖ **Employer** means any person responsible for the management, supervision and control of the workplace shall be the sole disciplinary authority and shall be responsible for implementing disciplinary actions based on the recommendations of the Internal Committee (IC).
- ❖ **Sexual harassment** may be defined as any unwelcome act/s or behavior/s whether directly or by implication namely:
 - Physical contact and advances; or
 - A demand or request for sexual favors; or
 - Making sexually colored remarks; or
 - Showing pornography; or
 - Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature is made explicitly or implicitly a term or condition of individual's employment.
- ❖ The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:
 - Implied or explicit promise of preferential treatment in the individual's employment; or
 - Implied or explicit threat of detrimental treatment in the individual's employment; or
 - Implied or explicit threat about the individual's present or future employment status; or
 - Interferes with the individual's work or creating an intimidating or offensive or hostile work environment for the individual; or
 - Humiliating treatment likely to affect the individual's health or safety.
 - Illustrative examples of sexual behavior, conduct or behavior prohibited under this policy includes, but is not limited to:
 - Unwanted, intentional physical conduct, which is of a sexual nature, includes, but is not limited to: touching, pinching, patting, or grabbing, showing pornography.

- Unwelcome sexually oriented gestures, noises, jokes or comments about a person's sex, sexual preference, or sexual experience, directed to or made in the presence of team member.
 - Preferential treatment or promises of preferential treatment, to include but not limited to promotions, training, job assignments, salary revisions, made to a team member for submitting to sexual conduct.
 - Sexually oriented activities that have the purpose or effect of unreasonably interfering with another team member's work performance or which create an intimidating, hostile or offensive work environment.
 - Displaying or publicizing pictures, posters, calendars, graffiti, objects, promotional material, or other materials that is sexually suggestive, sexually demeaning or pornographic.
- ❖ **Complainant** means any employee who has raised a complaint of sexual harassment at the workplace. Please note that this employee can be the aggrieved individual or any other employee who has raised a complaint on behalf of the aggrieved individual after obtaining written consent from him/her
 - ❖ **Aggrieved** means any employee who has been subject to sexual harassment at the workplace.
 - ❖ **Respondent** means any employee against whom a complaint of sexual harassment has been raised, either by the aggrieved or by the complainant.
 - ❖ **Workplace** in the context of sexual harassment is not limited to the work areas in the office premises such as cabins, cubicles, conference rooms and lobbies but also includes any place visited by the employee arising out or during the course of employment including transportation provided by the employer for undertaking such journey (extended workplace).
 - ❖ **Internal Committee (IC)** - In pursuance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and its rules, an IC has been constituted to redress complaints of sexual harassment at the workplace. The IC is the sole inquiring authority into all complaints of sexual harassment at the workplace and a recommendatory body for disciplinary actions thereof based on the findings of the inquiries. The IC shall consist of a minimum of four members, of which 50% must be women, as follows:
 - Presiding Officer – who shall be a woman and a work person employed at the senior level at the workplace.
 - External Expert/Member – who shall be a non-work person who is a representative of an NGO working for the cause of women or a person committed to cause of women and is familiar with issues related to sexual harassment at the workplace.
 - Members – who shall be work persons employed at the senior level and committed to the cause of women.

- ❖ **Member/s** means a member/s of the IC.
- ❖ **District Officer** means an officer notified under Section 5 of the Act.
- ❖ **Local Committee (LC)** means a committee notified by the State Government for the purpose of dealing with matters in relation to sexual harassment in each and every district.

Guidelines / Principles

- ❖ **Confidentiality:** to maintain and respect confidentiality of information pertaining to complaints of sexual harassment that one is privy to and exercise the required discretion while sharing of such information with the concerned stakeholders only on a need-to-know basis. Notwithstanding, anything contained in the Right to Information Act, 2005, the contents of the complaint made, the identity and addresses of the aggrieved individual, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC as the case may be, and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.
- ❖ **Objectivity:** to be able to focus solely on facts of the matter, to be unbiased and impartial while dealing with complaints of sexual harassment at the workplace.
- ❖ **Sensitivity:** to be able to deal with the complaints of sexual harassment very sensitively by respecting the individual's feelings and emotions.
- ❖ **Fairness:** to be able to deal with the complaints of sexual harassment in equal and just manner without fear or favor of any kind to any individuals.
- ❖ **Neutrality:** to be able to treat all people equal irrespective of their role, position, level, gender, caste, religion, culture, or nationality.
- ❖ **Timeliness:** to treat all complaints as urgent and important and ensure timely closure of cases in accordance with the stipulated timelines defined in the Act.
- ❖ **Empathy:** to be able to deal with the required understanding of individuals and situations from their point of view.
- ❖ **Natural justice:** to ensure that the redressal of complaints is done in accordance with the defined set of procedures.
- ❖ **Effectiveness:** to be able to redress the complaints of sexual harassment effectively by taking cognizance of the facts and the interest of the concerned parties and also mitigate risk for the Company.

- ❖ **Empowerment:** to empower individuals to report incidents of sexual harassment when one is subject to or is witness to, without fear of retaliation or reprisals of any form or kind.
- ❖ **Reformative:** employees to be able to understand and learn from incidents of sexual harassment and emerge with an outcome of positive behavioral change.

Internal Committee (IC)

❖ **IC Responsibilities**

- Be responsible to define, interpret and implement the policy on POSH at the workplace.
- Decide whether a complaint merits an investigation as per the POSH policy.
- Be responsible for facilitating conciliation between the concerned parties, in the event of a written request from the aggrieved individual, document and communicate the said settlement thus arrived at to the employer for necessary actions.
- Be the sole authority to:
 - Investigate into complaints of sexual harassment at the workplace.
 - Prepare and present the findings report.
 - Make recommendations to the employer for implementation.
 - Be responsible for documenting and maintaining all records pertaining to complaints of sexual harassment and its reports.
 - Be responsible for ensuring that there shall be no retaliation of any form or kind from other employees, co-workers, or management for reporting incidents of sexual harassment or for participating in the grievance redressal process. In the event of its occurrence, the Company shall take stringent disciplinary actions against such individuals, which would be up to and including termination, as the case may be.
 - Periodically review the policy and procedure of the grievance redressal mechanism and suggest changes, if any, to the employer, for enhancing the efficacy of the initiative.
- ❖ **Working of the IC.** The composition of the IC shall be as outlined in the definition section of this document.
- ❖ The IC shall meet quarterly or earlier as necessitated in the event of receipt of complaint of sexual harassment.

- ❖ It shall ensure a quorum of at least 60% when conducting its meeting to take decisions pertaining to complaints of sexual harassment.
- ❖ The tenure of the members of the IC shall be for a period of 3 years as stipulated in the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013. Changes to this, if any, shall be affected only in case of the following:
 - Natural attrition of the said member from the service of employment of FALABELLA India
 - Contravenes or attempts to contravene a provision of any of the policies at FALABELLA India
 - 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 or
 - Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against such member, or
 - Has so abused the position as to render continuance in office prejudicial to the public interest.
 - Voluntary resignation by the member from the IC. Such Presiding Officer or Member, as the case may be, shall be removed from the IC and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the Act and the Rules.
- ❖ In the event of receipt of the sexual harassment complaint against any member of the IC, two senior employees of the Company, above the level of the IC member, and the External Member will conduct the investigation of the complaint.

Roles and Responsibilities

- ❖ **Presiding Officer:** In addition to being a part of the IC, the role and the responsibility of the Presiding Officer include:
 - To chair the periodical meetings of the IC and ensure the proceedings of the same are documented.
 - To determine prima facie whether the alleged complaint is of sexual harassment in nature or not.
 - To facilitate the conciliation process should there be a request for the same from the aggrieved individual.
 - To investigate into complaints of sexual harassment based on the principles of the POSH Policy and make appropriate recommendations to the Employer in consultation with the External Expert and other members of the IC.
 - To ensure implementation of the disciplinary actions and closure of cases with appropriate documentation
 - To ensure periodical reports are sent to the Employer on complaints of sexual harassment received, investigated with its respective findings and actions.
 - To initiate third party investigation when deemed necessary as per the Policy.
 - To be responsible for end-to-end process compliance of the complaints redressal mechanism under the POSH Policy
 - To ensure that the Annual Report, as prescribed under the Act and the Rules, is filed with the district officer of the LC.



- ❖ **Members:** In addition to being a part of the IC, the roles and the responsibilities of the Members consists of:
 - To attend and participate in the proceedings of the IC meetings.
 - To facilitate conciliation process when assigned along with the Presiding Officer
 - To investigate into complaints of sexual harassment when assigned, based on the principles of the POSH Policy, and make appropriate recommendations after due deliberation, to the Employer in consultation with the External Expert and the Presiding Officer of the IC

- ❖ **External Member:** In addition to being a part of the IC, the role and the responsibility of the External Expert consists of:
 - To advise the Company on matters pertaining to prevention of sexual harassment at the workplace in compliance with the Act and thus help mitigate the employees risks.
 - To ensure that the members of the IC are updated on the latest developments in this field.
 - To determine prima facie whether the alleged complaint is of sexual harassment in nature or not jointly with the Presiding Office
 - To be a neutral party while making the recommendations for complaints of sexual harassment at the workplace

- ❖ **Internal Committee:**
 - To ensure that the POSH email id is secure.
 - To convene and co-ordinate periodical meetings of the IC
 - To minute the proceedings of meetings of the IC and circulate the same among its members.
 - To receive written complaints of sexual harassment at the workplace and bring it to immediate notice of the IC.
 - To coordinate and schedule all meetings during the inquiry or the fact finding process.
 - To track the implementation of action and ensure closure of cases according to the stipulated timeline defined in the Act.
 - To maintain documentation of all case relevant documents separately and seal the same on closure of cases, in the presence of the Presiding Officer and the External Expert
 - To update the details of the POSH Policy and procedure of redressal mechanism on the intranet and appropriate employee related documents
 - To prepare, maintain and update all collaterals related to POSH training.

- To schedule periodical POSH awareness training sessions or POSH refresher training programs, as the case may be, and ensure recording attendance of all the participants.
- To ensure all the contact information of the members of the IC is updated and maintained.
- To ensure that all the members of the IC members have signed the Non-disclosure Agreement of the POSH policy.

Grievance Redressal Mechanism

❖ **Complaint:**

- Any employee who believes that he/she has been subjected to harassment in violation of this policy should provide a written complaint with the Members of the IC through email, courier, registered and ordinary mail, personal appearance or written complaint handed to the Presiding Officer or any Member of the IC within 90 days from the occurrence of the alleged incident or in case of a series of incidents, then within 90 days from the occurrence of the latest incident.
- Any other employee or colleague who is in the know-how of the incident of sexual harassment can also raise a complaint on behalf of the aggrieved individual after obtaining written consent from her/him. The complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses.
- Anonymous complaints shall not be entertained. However, the IC shall have the discretion to conduct inquiry into such complaints based on substantial and reliable information.

❖ **Step 1:**

- On receipt of the complaint, the POSH Office (person responsible for manning the POSH mailbox) shall forward the complaint to the Presiding Officer and the External Expert, who will do a prima facie check to ascertain if case of sexual harassment exists or not.
- If yes, the complaint will be taken up for redressal.
- If no and the IC is satisfied that there does not exist any incident of sexual harassment, then it shall dismiss the case after recording the reasons in writing.

❖ **Step 2:**

- Should a case of sexual harassment exist, then the Presiding Officer shall inform all the members of IC about the receipt of the complaint.
- She shall print 6 copies of the complaint email and have an initial meeting with the aggrieved individual and obtain her/his signatures on all the copies of the complaint email. She shall also advise the aggrieved individual to read and understand the POSH Policy of the Company in order to understand her/his rights and also the available options for redressal of complaints (i.e., Conciliation and Investigation).
- The IC shall meet with the respondent and handover a signed copy of the complaint and give him/her 5 days to revert with an explanation of the said allegations.
- He/she shall also be informed that options are available for redressal of complaints and that it is the sole prerogative of the aggrieved individual to choose. Once the IC becomes aware of the choice thus made by the aggrieved individual the same shall be communicated to the respondent.

❖ **Conciliation:**

- It is a negotiated settlement between the aggrieved individual and the respondent. Should the aggrieved individual opt for conciliation for redressal of his/her complaint, then he/she has to submit a written request for the same to the IC. The conciliation facilitating team comprising the Presiding Officer and 2 Members shall meet the aggrieved individual and obtain his/her conciliatory terms and conditions in writing. The team will then meet with the respondent and share the conciliatory terms and conditions put forth by the aggrieved and obtain his/her stance (acceptance or rejection) on the same.
 - **Situation a)** should the respondent **accept** the said conciliatory terms and conditions, then the facilitating team shall obtain the same in writing and communicate the acceptance to the aggrieved individual.
 - The settlement thus arrived at will be recorded in a settlement report and communicated to the employer for implementation of the action.
 - The employer shall duly implement the action arrived at through such settlement. The IC shall provide copies of the settlement report to both the aggrieved individual and the respondent.

- The entire case proceedings shall be documented and closed accordingly.
- When settlement thus arrived,
 - There shall be no claims in monetary terms by the aggrieved.
 - There shall be no conduct of inquiry of the said complain.
- **Situation b)** should the respondent **reject** the conciliatory terms and conditions put forth by the aggrieved.
- The same shall be obtained in writing from him/her and communicated to the aggrieved individual.
- The investigation process will be initiated immediately.

❖ **Investigation:**

- In the absence of a request for conciliation from the aggrieved individual or in case of rejection of the conciliatory terms and conditions by the respondent, the complaint will be taken up for investigation.
- The quorum of the IC for conducting an inquiry shall be minimum 3, comprising of the Presiding Officer, one other Member of the IC and the External Expert.
- The IC shall immediately proceed to conduct the inquiry based on the principles of POSH. The IC shall meet the aggrieved individual and obtain a detailed version of her/his statement of facts regarding the said allegations.
- The IC shall prepare and hand over the statement of allegation to the person against whom the complaint is made and give him/her an opportunity to submit a written explanation, if he/she so desires within 7 working days of receipt of the complaint.
- The IC shall call upon all witnesses mentioned by both the parties.
- The IC shall provide every reasonable opportunity to the Complainant and to the person against whom the complaint is made, for putting forward and defending their respective case.
- The IC shall complete the inquiry and submit a report stating its findings and recommendations for action to the management within 90 days of receiving the written complaint from the complainant.
- The report of the IC shall be treated as an Inquiry Report on the basis of which action would be taken by the management against the Respondent.

- The investigating team shall conduct an inquiry into the complaint of sexual harassment within 90 days from the date of receipt of complaint and submit the findings report within 10 days from the date of completion of inquiry.
- The case proceedings shall be documented and closed accordingly, and the copies of the report shall be shared with the aggrieved and the respondent. They shall be given 7 days to revert with objections if any, that they may have regarding the findings of the inquiry, failing which it shall be considered as final for Employer's consideration.
- Action shall be taken by the employer within 60 days of receiving the report.
- If the aggrieved desires to go through legal procedure against whom the complaint is made, there shall be no objection by the IC and the Company.
- While good faith complaint shall be redressed with due diligence, falsely denying, lying about or otherwise covering up or attempting to cover up prohibited conduct such as, but not limited to, that outlined in any item above, is liable for stringent disciplinary actions by the Management.
- In case the complaint is found to be false, intentional, and wrongly motivated, the aggrieved shall, if deemed fit, be liable for appropriate disciplinary action by the management including termination of employment.

Retaliation

- ❖ The POSH policy aims at empowering employees to report incidents of sexual harassment at the workplace without fear of reprisals of any form or kind.
- ❖ In case of retaliation for raising good faith harassment complaints, to include but not limited to disciplining, pressuring, changing work assignments or providing inaccurate work information to or refusing to cooperate with a team member because that team member has complained about or resisted harassment, discrimination, or retaliation, or has cooperated in the investigation of such prohibited conduct.

Disciplinary Actions

The outcomes of an investigation can vary from case to case and can result in any of the recommendations outlined below:

- Written apology to the aggrieved individual and to the Company
- Written warning
- Reprimand or censure
- Withholding of promotion
- Withholding of pay rise or increments.
- Termination of services
- Reference to counselling
- Monetary compensation

Filing of Police Complaints

- If the Complainant so desires, it is the duty of the Employer to assist the Complainant in filing the Complaint with the Police.
- If it is a grave offence, then Employer is duty-bound to report the matter to the Police.

Reference to District Officer of the LC

- In the following circumstances, a reference of the case is required to be forwarded to the District Officer of the LC:
- In the event of the incident of sexual harassment being against any of the members of the Board of Directors, the complainant shall approach the District Officer of the LC as notified by the State Government.
- In the event the respondent fails to pay the amount of monetary compensation as recommended by the IC, IC shall forward the inquiry report to the District Officer of the LC as notified by the State Government to be recovered as land revenue from the respondent.

Non-disclosure

- It may be noted that any person/s in the know-how of the details of the complaint, parties involved, proceedings of the complaints and redressal mechanism, findings and recommendations and the disciplinary actions implemented is prohibited from publishing, communicating, or made known to the public or press and media in any manner.
- In the event of breach of the above, the person/s shall be liable for penalty in accordance of the service rules of the Company or as prescribed in the Act.

Appeal

- The Complainant and the Respondent shall have the right to appeal to the court/tribunal of appropriate jurisdiction within 90 days of the decision of the IC if they are not satisfied with the decision of the IC.

Sl. No.	Action Point	Authority / Concerned Person	Time Limit
1	Complaint	Complaint to be lodged by aggrieved person to IC	Within the period of 90 days from the date of the incident or, in case of series of incidents, within the period of 90 days from the date of last incident.
2	Initiation of Inquiry Proceedings	By the IC, by sending a copy of complaint to the Respondent	Within the period of 7 working days from the day of receipt of the complaint.
3	Reply by the Respondent along with his/her list of documents, names and addresses of witnesses	To the IC	Within the period of 5 working days from the day of receipt of the copy of complaint forwarded by IC.
4	Completion of Inquiry proceedings	By IC	Within the period of 90 days from the day of receipt of the complaint.
5	Submission of Inquiry Report and findings along with recommendations by IC	To the Employer	Within the period of 10 days from the day of completion of Inquiry Proceedings by IC.
6	Objections to the Inquiry Report and findings	By aggrieved person and the Respondent	Within the period of 7 days from the day of receipt of the Inquiry Report by IC.
7	Implementation of recommendations made in the Inquiry Report of IC	By the Employer	Within the period of 60 days from the day of receipt of the Recommendations made in Inquiry Report by IC.
8	Appeal	By the aggrieved person and the Respondent	Within the period of 90 days from the day of receipt of the Recommendations made in Inquiry Report by IC.

This policy shall supersede all other earlier policies/rules on the subject. Management reserves the right to amend/alter/modify/withdraw this policy with or without due and adequate notice. For clarification with regard to this policy, please reach out to your HR partner.

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