

THE POSH ACT- SEXUAL
HARASSMENT OF WOMEN AT
WORKPLACE (PREVENTION,
PROHIBITION AND REDRESSAL)
POLICY
OF
KNAB FINANCE ADVISORS
PRIVATE LIMITED
(KNAB)

1. Introduction:

This policy is being framed pursuant to the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules issued there under (hereinafter referred to as the “**The Act**”).

The objective of ‘Policy on Prevention of Sexual Harassment at Workplace’ (hereinafter referred to as “**Policy**”) is to create a healthy working environment for all genders of employees, in all the offices of KNAB FINANCE ADVISORS PRIVATE LIMITED (hereinafter referred to as “**the Company**”), by establishing guidelines to deter any Sexual Harassment, define the mechanism for raising concerns, their investigation and action on the findings.

At KNAB FINANCE ADVISORS PRIVATE LIMITED, we have zero tolerance towards Sexual Harassment.

2. Applicability:

This Policy is applicable to dealing with any complaint/allegation of sexual harassment at the workplace. It is clarified that Policy shall apply only when both Affected Person and Offender (both defined hereinafter) are covered under Policy. In case where any person covered under Policy is subject to sexual harassment by any person not covered under Policy, the Company shall take reasonable and necessary steps to assist the concerned affected person in terms of support and taking preventive action.

Employees (Heads of Departments/Senior Officers in particular) are expected to be sensitive to any circumstances or behaviour among their colleagues which appear to go against the Policy. In case occurrence of any such incidence comes to their notice, they are expected to bring the fact to the attention of Employer so that appropriate action may be taken.

The interpretation of IC Chairperson along with Head- Legal on any provisions of the policy shall be final & binding.

Except as provided in the Act, there are no exceptions to the applicability of the Policy.

2.7 The Committee, the Employer, the Affected Person and the Respondent shall follow the Act in case the Policy is silent on any specific aspect.

3. Definitions:

Affected Person – means the person, of any age, whether employed or not, who alleges to have been subjected to Sexual Harassment.

Coordinating Members – means the employee(s) of the Company who are nominated by IC Chairperson, from time to time, at each office of the Company to coordinate with the complainant, respondent and/ or witnesses in the matters of complaints made to the Internal Committee,

Employer – means the person responsible for the management, supervision and control of the workplace. For the purpose of this Policy, the Board of Directors of the Company shall be deemed to be the Employer and the Chief Executive Officer of the Company has been authorized to execute all such powers and responsibilities of an Employer under this Act/ Policy on behalf of the Board of Directors.

Offender/ Respondent – means the person who is alleged to have committed an act of Sexual Harassment.

Workplace – means & includes all or any of the offices of the Company wherever situated whether or not carrying on any activity and includes any place visited by the Employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey or as defined by the Act accordingly.

Sexual Harassment – means and includes any unwelcome act or behaviour (whether directly or by implication) that is offensive to an individual, including but not limited to:

- Negative stereotyping,
- Physical contacts and advances,
- Epithets,
- Sexist, racist or religious slurs,
- Request for sexual favours through explicit or implicit communication whether by words or actions
- Verbal or physical conduct of sexual nature.
- Discussion of a person's physical characteristics or dress.
- Use of offensive language or demeaning terms.
- Narrating offensive/ demeaning jokes, or sexually explicit stories, or behaviour which have sexually oriented innuendoes.
- Circulation or posting of offensive pictures, display of sexual visuals, sexual audios,
- Showing pornographic or obscene materials.
- Objectionable physical proximity or contact.
- Transmitting any message, by mail, telephone, e-mail etc. that is obscene, lewd, suggestive or blatantly sexual in nature.
- Actual sexual assault.
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

- Stalking by means of physically following someone or via social media

Sexual Harassment shall not include voluntary relationships between employees. However, in case of voluntary relationships, employees must ensure that the work environment is free from favoritism and the relationship does not affect work in any way.

4. Duties of the Company: The Company is committed to:

- Treat Sexual Harassment as a misconduct under the service rules and initiate necessary action for such misconduct.
- Provide safe working environment to all Employees at the Workplace including safety from person coming into contact at the Workplace.
- Communicate to Employee the names and contact details of the members of the Committee at respective locations, and any change in constitution thereof. The names are displayed at conspicuous places in all our offices, on our internal portal and also displayed on our website.

- Organize workshops and awareness programs informing Employees about this Act and the Policy by conducting class room sessions and other means which shall be a mandate for all employee to attend.
- Provide necessary facilities to Internal Committee to deal with complaints, conduct inquiry and securing attendance of respondent and witnesses.
- Provide assistance to the Affected Person who chooses to file a complaint under the Indian Penal Code (IPC) or any other law for the time being in force.
- Initiate action, under the IPC or any other law, against the Offenders wherever considered appropriate on recommendations of the IC.
- Ensure that there is no victimization of the complainant, Affected Person and/or any witness and their career interests are not adversely affected for the reason of raising such complaint.

5. Internal Committee(Annexure A)

The Company shall constitute an Internal Committee (hereinafter referred to as the “IC/ Committee”) empowered to deal with complaints of Sexual Harassment. The Committee has been constituted after considering following criteria specified in the Act subject to amendments from time to time:

- Presiding Officer – A woman at senior level amongst the Employees
 - At least two members shall be from the employees committed to the cause of women, or experience in social work, or have a legal knowledge
- The majority of the members of the Committee shall be women.
 - The members of the Committee must not be convicted for an offence or violation (either under applicable law or as per Company policy) or no investigation proceedings/ disciplinary action relating to any offence/ violation should be continuing against him/ her.
 - The quorum of the meetings of the Committee shall be minimum three members present in person.
 - In conducting the inquiry, Presiding Officer should be present or will nominate a senior woman Committee member to lead the inquiry. All inquiry proceedings shall be monitored and reviewed by the Presiding officer.
 - Any reconstitution of the Committee as may be required shall be subject to the approval the Board of Directors.
 - Presiding officer and every member of the Committee shall hold office for a period not exceeding 3 years from the date of their nomination. However, such member is entitled for reappointment in case he/ she is eligible otherwise.
 - IC Convenor – From among the Committee members, IC presiding officer can select one member to lead investigation, collect evidences, prepare the investigation report, send notices and organize the IC meeting to decide the matter as and when required.
 - If any complaint of Sexual Harassment is made by, or received against, any member of the Committee, or if a member of the Committee is named as witness either by respondent or complainant, such member(s) shall neither participate in the conduct of any proceedings of the Committee nor shall try to influence any such proceedings in any manner whatsoever until the complaint has been duly resolved by the Committee. However, nothing contained herein shall prevent such member(s) to appear before the Committee as witness, complainant or respondent and exercise all such rights which are available to a witness/ complainant/ respondent under the Act.

- Confidentiality of the entire proceedings shall be maintained and shall not be published, communicated, or made known to public, press and media unless otherwise permitted under the Act. To this effect, a confidentiality oath has to be taken by all concerned, through an instrument of Pledge as in Annexure 1.
- The minutes of entire proceedings of the Committee along with all evidences, recordings and copies of written submissions by the parties in respect of the complaint shall be maintained in a secured manner under the custody of IC and copy(s) of the Case report, IC decision recommendation would be shared with HR for action and updating to personal files of the concerned employees.
- The Committee shall hold necessary inquiries and meetings and initiate the necessary proceedings as may be required under the Act.

6. Complaint & Inquiry Procedure:

The complainant shall report the incident of Sexual Harassment via e-mail at hr@knabfinance.com along with supporting evidences and names, addresses of the witnesses. The complaint can also be made to any of the Committee Member in writing along with supporting documents and the names and addresses of the witnesses. Under exceptional circumstances (eg. physically/mentally incapability), the complainant may make a verbal complaint to any of the Committee Members. In such case, the complaint shall be reduced in writing and the confirmation of the complainant shall be obtained on the facts stated in complaint before presenting the case before the Committee. A written complaint can also be sent in post/courier/delivered by hand to any member of the IC at the following address:

KNAB FINANCE ADVISORS PRIVATE LIMITED
A-31, HAUZ KHAS, HAUZ KHAS, SOUTH WEST
DELHI, NEW DELHI, DELHI, INDIA, 110016

The Complainant shall report the incident of Sexual Harassment within a period of 3 months from the date of last incident. The IC may, for the reasons recorded in writing, extend the time upto 3 months.

- The family member (i.e. spouse, parents and children) or any other person authorised by the Affected Person may also file a complaint and pursue the complaint proceedings on behalf of the Affected Person.
- As far as possible, the complaint should be accompanied by credible and relevant materials, details, etc. concerning the incident. No party shall be allowed to bring in any legal practitioner for representation before the Committee.
- On receipt of complaint, the details of the complaint shall be communicated to the Respondent/Offender within 7 working days of receipt of Complaint. The respondent shall file the reply within 10 working days to the Committee along with the evidences and witness.
- Basis the preliminary review of the complaint, IC identifies whether there is a need for interim protection for the complainant. If the situation merits interim protection, the IC meeting is convened to discuss the interim steps and recommend to the management measures to protect and safe guard the complainant. Relief measures may include and not limited to a schedule/shift change, transfer/change of the function or leave of absence up to 3 months, personal safety while travelling for work etc. as deemed necessary.

- The Committee shall make inquiry as per principal of natural justice. Inquiry Proceedings to be completed within a period of 90 days from the receipt of Complaint. In case the Affected Person or Respondent fail to appear before the Committee for 3 consecutive hearings, the Committee may terminate the proceedings or pass an ex-parte order as it may deem appropriate. The Committee may also take up the matter of sexual harassment suo moto basis the complaint received from any person.

While conducting the enquiry proceedings, the Committee shall check following circumstances, among other circumstances, if it occurs or is present in relation to or concerned with any act or behaviour of sexual harassment:

- a) Implied or explicit promise of preferential treatment in her employment;
- b) Implied or explicit threat of detrimental treatment of her employment;
- c) Implied or explicit threat about her present or future employment status;
- d) Interference with work or creating an intimidating or offensive or hostile work environment for her; or
- e) Humiliating treatment likely to affect health or safety.

If the Committee concludes that allegation is proved against Offender, it will recommend Employer to take any of the following action-

- f) To take action for sexual harassment as a misconduct (written apology, warning, reprimand/ censure, withholding of promotion, withholding of pay rise, termination, undergoing counselling session).
- g) To deduct from salary of Offender appropriate sum to be paid to Affected Person or direct Offender to pay such sum if deduction not possible. For the purpose of determining the sums to be paid to the aggrieved woman the IC shall have regard to (i) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman, (ii) the loss in the career opportunity due to incident of sexual harassment, (iii) medical expenses incurred by the victim for physical treatment and (iv) the income and financial status of the respondent
- h) Recommend taking necessary police action or criminal legal proceedings as per the provisions of Indian Penal Code, 1860

If the Committee concludes that complaint is false/ malicious, it may recommend the Employer any of the aforesaid action against the complainant.

The Committee to provide a report of its findings within 10 days from the date of completion of inquiry to the Employer and such findings may be made available to the concerned parties.

The Employer shall instruct necessary action based on the findings/ recommendations of the Committee within 60 days of receipt of such findings/ recommendations.

ANNEXURE A

Committee Member

S. No.	Category	Details
	Presiding Officer	Smriti- Manager - Human Resource
	Internal Members	Putul Dwarik, Head- Human Resource
		Ruchi Pandey, Team Leader
	External Member	Anjali Mishra Senior Associate KkL Partners Advocates & Solicitors

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