



## **POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**

# SUNGOLD CAPITAL LIMITED

## 1. PURPOSE:

The purpose of this policy is to provide direction and rules for governing the conduct of employees to ensure a work place free from sexual harassment.

## 2. SCOPE:

This policy and procedure applies to all employees of Sungold Capital Limited including permanent and employees on contract at its workplace or at Client/ Dealer/ Broker/ DSA sites. The Company will not tolerate sexual harassment, if engaged in by clients or by financial institutes or any other business associates or within the organization by the employees of the company, if any.

## 3. OBJECTIVES

- I. Sungold Capital Limited (referred to as “The Company” in this policy document here after), is committed to providing to all of its employees an environment free of gender-based discrimination and harassment. In furtherance of this commitment, the Company strives to provide all of its employees with equal opportunity conditions of employment, free from gender-based coercion, intimidation, or exploitation and to create a work environment where everyone has an opportunity to fully participate in achieving business success and is valued for the distinctive skills, experiences and perspectives she or he brings to the workplace. The Company has zero tolerance for harassment, intimidation or humiliation of a sexual or gender-based nature in its workplace and is dedicated to ensure enactment, observance and adherence of guidelines and best practices that prevent and prosecute acts of sexual harassment.
- II. The Company believes that all individuals have the right to be treated with dignity. Sexual harassment including discrimination or intimidation of a sexual or gender-based nature by or towards any employee in the workplace will not be condoned. The Company will not tolerate retaliation in any form against personnel for raising sexual harassment complaints or concerns.
- III. This Policy applies to all allegations of sexual harassment made by any employee of the Company against another employee irrespective of whether sexual harassment is alleged to have taken place within the Company premises or in any other place visited by such employee for work. All actions prohibited for an employee of the Company by this Policy are also prohibited for all individuals who are on the Company premises or on any other property where the Company conducts its business. If an individual commits an act in violation of this Policy, whether an employee of the Company or a third party interacting with the Company, the Company will take appropriate remedial measures under the circumstances, including measures to mitigate the potential for repetition, and to discipline any of its employees who may have participated in such conduct, or may have failed to stop such conduct when she or he had actual knowledge of such conduct and the authority to do so.

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## 4. DEFINITIONS AND EXAMPLES OF SEXUAL HARASSMENT

- I. Sexual harassment is defined under 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' (read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (collectively, "the Act") and this Policy as any conduct that is unwelcome and sexual in nature, whether direct or indirect, including
  - a. Physical contact and advances
  - b. A demand or request for sexual favours
  - c. Making sexually coloured remarks
  - d. Circulating obscene content by email, SMS or MMS
  - e. Showing pornography, or
  - f. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

When any such act or acts are committed in circumstances where such conduct is humiliating and is likely to constitute a health and safety problem, it will amount to sexual harassment that violates this Policy.

Sexual harassment may occur as a single incident or a series of incidents. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

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

Sexual harassment may be of two kinds: (1) indirect, also referred to as a "hostile work environment" and (2) direct, also referred to as a "quid pro quo".

- a. The indirect form of sexual harassment is one or more instances of unwelcome conduct that, taken individually or together, have the purpose or effect of (i) creating an intimidating, hostile, or offensive work environment, and (ii) unreasonably interfering with another's work performance. Examples of this type of sexual harassment include pornography in public places, foul language or joking of a sexual nature. This form of sexual harassment does not need to be directed at any employee in particular.

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- b. Sexual harassment by one in a position of power or influence constitutes direct, or quid pro quo, sexual harassment when (i) submission by an individual is made either an explicit or implicit term or condition of employment, or (ii) submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotions, demotions, salary raises, hiring or termination.
- II. This policy applies to all categories of Employees of the Company, including any person employed on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with/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, probationer, trainee, apprentice or called by any other such name, at the workplace.
- III. An individual who raises a complaint of sexual harassment is the Complainant, thus referring to anyone associated with the Company in a full-time/part-time capacity as an employee, contractor, client, partner, consultant, vendor, intern, volunteer or visitor.
- IV. An individual against whom a complaint of sexual harassment has been received is referred to as the Respondent, thus referring to anyone associated with the Company in a full-time/part-time capacity as an employee, contractor, client, partner, consultant, vendor, intern, volunteer or visitor.
- V. The Workplace includes:
  - a. All offices or other premises where the Company's business is conducted
  - b. All company-related activities performed at any other site away from the Company's premises
  - c. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations
  - d. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

## 5. OBLIGATIONS OF THE COMPANY

- 1. The Company does not tolerate sexual harassment of any kind and will take action against any employee for any conduct that violates this Policy.
- 2. The Company shall be responsible, among others, for the following:
  - a. Prohibit, prevent and deter commission of acts of sexual harassment;
  - b. Implement the Policy by prohibiting gender-based discrimination and providing a safe & harassment-free work environment;
  - c. Spread awareness of the Policy amongst its employees by publication, notification and circulation of the Policy;
  - d. Sensitize employees about sexual harassment issues;

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- e. Provide fair and impartial procedures for resolution, inquiry or prosecution of acts of sexual harassment by taking all necessary steps, including those more particularly provided hereinafter;
  - f. Constitute the Internal Committee (as hereinafter defined); and
  - g. Implement the recommendations of the Internal Committee.
3. The Company shall make applicable filings to the appropriate Government authority with respect to the compliance with the Act.
4. Upon becoming aware of the commission of an act of sexual harassment at work place, the Company shall have the right to initiate suo moto action, even in the absence of a formal complaint being filed by any aggrieved employee.

## 6. INTERNAL COMMITTEE

An Internal Committee will be set up by the Company which will deal with all cases of alleged sexual harassment whether escalated to it by any employee or taken up suo moto by the Company, to prevent and deal with sexual harassment and to otherwise implement the Policy. The Company may have multiple Internal Committees constituted to oversee specific administrative units or offices. The obligations of the Internal Committee include:

- 1. To create awareness on the rights of employees against sexual harassment;
- 2. To prevent sexual harassment at the work place ;
- 3. To conduct enquiry on any complaint/s received from employees and for ensuring time bound treatment of such complaints;
- 4. To provide procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps in accordance with applicable law; and
- 5. Any other obligations that may be prescribed under applicable law.

## 7. COMPOSITION

- 1. The Internal Committee shall consist of the following members, subject always to at least half the members of the Committee being women,
  - a. A Presiding Officer (senior woman employee) to be nominated by the Company. In case a senior woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the employer.
  - b. Not less than two (2) members from amongst the employees preferably committed to the cause of women or having experience in social work, HR matters or legal knowledge;
  - c. One (1) member from outside the Company (an NGO representative or outside counsel familiar or dealing with cases of sexual harassment at workplace).

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2. A person shall cease to hold office as a member of the Committee if she/he ceases to be an employee on account of resignation, termination, or death or for any other reason whatsoever, and in such case the vacancy shall be filled immediately by the Company. It is further clarified that in case of a complaint where either the accused is senior in position to any of the employees who are members of the Internal Committee or directly/indirectly related to any member of the Internal Committee, the Company shall ensure that such member is replaced with another employee who is either at same level or senior and/or unrelated to the alleged respondent within the organization.
3. The Company shall have an Apex Committee that oversees the functioning of the location-wise Internal Committees.
4. The quorum for meetings of the Internal Committee will require 2 members to be present, including one female member.
5. The Presiding Officer and every member of the Internal Committee shall hold office for a period not exceeding 3 years, from the date of their appointment.
6. Final decisions and recommendations with regard to the complaint shall rest with the Internal Committee.
7. Disqualifications: A person shall be disqualified from being appointed, elected, nominated or designated, or for continuing, as a member of the Internal Committee, for any period of time, inter alia, during which there is any complaint concerning sexual harassment pending against him/her or if he/she is found guilty of sexual harassment.

## 8. FILING A COMPLAINT

1. Any aggrieved employee may approach the Internal Committee with a complaint of sexual harassment under this Policy. The following steps will be followed in this regard:
  - a. A complaint of sexual harassment can be filed within a time limit of three (3) months from the date of incident and in case of a series of incidents, from the date of the last incident. This may be extended to another three (3) months if the Complainant can prove that grave circumstances prevented him/her from filing a complaint. The reasons for the same need to be recorded in writing.
  - b. The Complainant has to submit the complaint to the Internal Committee in writing or on email along with supporting documents, names and addresses of witnesses and the said complaint will be afforded complete confidentiality. If a complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee shall provide all reasonable assistance to the employee to make the complaint in writing. Where the aggrieved employee is unable to make a complaint on account of physical or mental incapacity or death or otherwise, his/her legal heir or such other person as prescribed under the Act may make a complaint on his/her behalf.
  - c. Within seven (7) working days of the receipt of the complaint, the Internal Committee has to send a copy of the complaint to the Respondent, who will have

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ten (10) working days to file a reply along with a list of documents, names and addresses of witnesses.

- d. At the first meeting of the Internal Committee, the Complainant shall be heard and the Committee may, before initiating an inquiry and at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation; provided there can be no monetary settlement as the basis of conciliation.
- e. If a settlement has been arrived at, the Internal Committee needs to record the settlement and forward the same to the Company to take action as specified in the recommendation.
- f. The Internal Committee needs to provide the copies of the settlement, as recorded, to the Complainant and the Respondent.
- g. Where a settlement has been arrived at, no further inquiry needs be conducted by the Internal Committee. However, in the event
  - no conciliation is requested for by the Complainant, or
  - no settlement has been arrived at between the parties, and / or
  - If the Complainant informs the Internal Committee that any term or condition of the settlement arrived at earlier has not been complied with, then the Internal Committee in the above situations, shall proceed to inquire into the complaint.

## 9. PROCEEDINGS OF THE INTERNAL COMMITTEE

1. The Internal Committee is intended to be an independent, objective and unbiased fact-finding body established to investigate any complaints of sexual harassment in a fair, reasonable and time-bound manner in a neutral environment. The Internal Committee shall conduct the inquiry in accordance with principles of natural justice.
2. For the purpose of making an inquiry the Internal Committee shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following:
  - a. Summoning and enforcing the attendance of any person and examining him/her on oath
  - b. Requiring the discovery or production of documents and
  - c. Any other matter which may be prescribed.
3. The Internal Committee shall give every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective cases and to ensure that the Complainant and the Respondent have full opportunity to present their claims, witnesses and evidence which may establish or substantiate their claims.

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4. Both the Complainant and the Respondent shall have the right to submit supporting evidence and shall have the right to bring their respective witnesses, if any, to be examined by the Internal Committee.
5. No observations regarding the work and behavior of either the complainant or respondent shall be made which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the Respondent or false complaints against the Complainant.
6. If the Complainant or the Respondent fails, without sufficient cause, to be present before the Internal Committee for three (3) consecutive hearings, the Internal Committee will give a notice of fifteen (15) days to the concerned party before terminating the inquiry proceedings or giving an ex-parte decision on the complaint.
7. If considered appropriate by the Internal Committee, all meetings of the Internal Committee including with the Complainant, the Respondent or any witnesses shall be held outside the relevant office and at a neutral venue.
8. The Complainant, the Respondent or any other person that the Internal Committee meets with, interacts with, or has a teleconference or video conference with, for the purpose of inquiry into any complaint of sexual harassment shall be bound by strict confidentiality and each such party shall not be permitted to discuss the Internal Committee proceedings with any third person.
9. All the proceedings of the Internal Committee will be summarized by the Internal Committee. In the event either the Complainant or the Respondent is desirous of submitting a statement in writing or reviewing the summary of discussion prepared by the Internal Committee, such statement shall be endorsed by such Party in token of authenticity thereof and submitted to the Internal Committee.
10. The Internal Committee is required to complete the inquiry within a time period of ninety (90) days from the date on which the complaint is filed by the Complainant.
11. The Internal Committee shall complete the inquiry and make a report of its findings on the complaint and its recommendations to the senior management of the Company ("Management") within a period of seven (7) days from the conclusion of the inquiry procedure set out above. The report of the Internal Committee shall also include recommendations for the imposition of any penalty and the reasons for such recommendations to the Management.



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## 10.CONFIDENTIALITY

To the fullest extent practicable and consistent with the Internal Committee's need to inquire and ensure that corrective action is taken, all complaints of sexual harassment by employees will be processed with strict confidentiality.

## 11. ACTION DURING PENDENCY

1. During the pendency of an inquiry, on a written request made by the Complainant, the Internal Committee may recommend to:
  - a. Transfer the Complainant or the Respondent to any other workplace; or
  - b. Grant leave to the Complainant up to a period of 3 months; or
  - c. Grant relief to the Complainant by providing a work-from-home option
2. The leave granted to the Complainant shall be in addition to the leave he/she would be otherwise entitled to.
3. During the pendency of the inquiry, if the Committee is independently of the view that the presence of the Respondent at the workplace may be detrimental to the interest or to the conduct of a free and fair inquiry, it may recommend to the Company to place the Respondent under 'administrative leave' pending completion of the inquiry, provided that the person sought to be suspended is a direct employee of the company. On receipt of such recommendation from the Internal Committee, if the Company decides to place the Respondent under suspension/administrative leave, he/she will be entitled to full wages during such period of suspension/ administrative leave, pending inquiry. Such suspension/administrative leave order may also include an order prohibiting the Respondent from accessing any of the Company's premises, hardware or software, online networks, systems, platforms, databases, email, data, employees, vendors or customers.
4. Where the Respondent is an outsider, during the pendency of the investigation of the complaint and even thereafter, if found guilty, the Respondent shall not be allowed to enter the Company premises except for the purpose of attending the Internal Committee proceedings.

## 12.INQUIRY REPORT

1. All proceedings of the Internal Committee will be recorded, and along with the statement of witnesses shall be endorsed by the Complainant and Respondent in token of authenticity thereof. The refusal to endorse the same by either party shall be noted by the Internal Committee.

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2. On the completion of the inquiry, the Internal Committee shall submit a written report to the Company within a period of 10 days from the date of completion of the inquiry and make this available to the concerned parties. The inquiry report shall specify the details of the charges against the respondent, the evidence submitted in the inquiry and the reasons for the Internal Committee's decision.

## 13.IMPLEMENTATION OF RECOMMENDATIONS OF THE INTERNAL COMMITTEE

The Management shall consider the recommendations and findings of the Internal Committee and take a decision in relation to action to be taken. The Management may issue such order or directions as it deems fit and shall inform the Complainant and the Respondent of its decision. The Management of the Company shall provide all necessary assistance to the Internal Committee for the purpose of ensuring full, effective and speedy implementation of this procedure for investigating any complaint of sexual harassment at work place in accordance with the Policy.

## 14.PUNISHMENT FOR SEXUAL HARASSMENT

1. Penalties: If an employee is found to have violated this Policy, the Management shall take such action within sixty (60) days as may be appropriate for misconduct by the employee under the Company policy. Such actions may include any of the following:
  - a. Written apology
  - b. Written warning
  - c. Change of work assignment / transfer for either the Respondent or the Complainant
  - d. Reprimand or censure
  - e. Withholding of promotion
  - f. Withholding of pay rise or increments
  - g. Termination of employment
  - h. Undergoing counseling sessions
  - i. Carrying out community service.
2. Compensation: If the Internal Committee concludes that a serious instance of sexual harassment is proved against the Respondent, the Committee can also recommend monetary compensation in favour of the Complainant, *inter-alia*, by way of deduction from the salary or wages of the Respondent, in an amount that it may consider appropriate to be paid to the Complainant and in accordance with applicable law. The purpose of compensation is to put the Complainant in the same position as they would be in had the harassment not occurred. Compensation may be paid in lump sum or in installments and may be recommended by the Internal Committee after taking into account the following cases:

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- a. Mental trauma, pain, suffering and emotional distress,
  - b. Loss in career opportunity incurred
  - c. Medical expenses (physical and psychiatric)
  - d. The income and financial status of the Respondent.
3. In the event the Complainant decides to pursue personal action against the Respondent, the Company is obliged to provide all assistance and cooperation in any investigation by the relevant law enforcement agencies.
4. If a Complainant feels that the action taken pursuant to the complaint of sexual harassment does not fully or properly deal with the allegations raised in her/his complaint, she/he can bring the same to the notice of the Committee, which would then re-evaluate it accordingly on receipt of such other evidences. If the Complainant or the Respondent desires to examine any witnesses she/he shall submit in writing/email to the Committee the names of witnesses whom she/he proposes to so examine. An appeal for re-evaluation may be made within a period of 90 days of the recommendations.

## 15. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

1. In the event the Internal Committee, after investigation of a Complaint in accordance with the procedure prescribed herein, concludes that the complaint was false, frivolous or made with malafide intention by the Complainant, then the Internal Committee shall make such appropriate recommendations to the Management to take action against the Complainant, as may be necessary.
2. A mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.
3. The malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.
4. In case the Internal Committee arrives at a conclusion that during an inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Company to take action in accordance with the provisions of the service rules applicable to the said witness.

## 16. PROTECTION AGAINST VICTIMISATION

1. In the event the Respondent is the Complainant's supervisor/superior, the Company shall, during the pendency of the Complaint, ensure that the reporting relationship is suspended and that the Complainant is not subject to appraisal by the Respondent.
2. The Company shall strictly prohibit any sort of retaliation against the Complainant or any witnesses. Any act of reprisal, including internal interference, coercion and restraint, by the Respondent, whether directly or indirectly, will result in appropriate action against the Respondent by the Management in consultation with the Internal Committee.

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## 17.REPORTING BY THE INTERNAL COMMITTEE

The Internal Committee shall prepare an annual report and file with the appropriate authority. The annual report shall contain the following details:

- a. Number of complaints received in the year
- b. Number of complaints disposed of during the year
- c. Number of cases pending for more than ninety (90) days
- d. Number of workshops or awareness programs conducted
- e. Nature of action taken by the employer.

## 18.MODIFICATION AND REVIEW OF THE POLICY

The Company reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or otherwise with a view to revise the provisions of this Policy to the extent deemed necessary by the Company from time to time. Any such changes or modifications may be notified by the Company to its employees in due course.

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