

Prevention of Sexual Harassment at Workplace.

BEST CAPITAL SERVICES LIMITED

Registered Office:

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CIN NO: U67120RJ1995PLC009942.**

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1. Introduction

Best Capital Services Limited (“Company”) is committed to make its Workplace a great place to work, which entails promotion of an environment of openness, safety, and sensitivity for all employees. A major factor that contributes to a safe Workplace is the complete prevention of sexual harassment at Workplace.

Pursuant to our Company’s commitment to make its Workplace a great place to work for all our employees and furthermore, in strict compliance with the Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act 2013 (“POSH Act”) and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“Rules”) laid down thereunder, this policy is formulated.

2. Objectives of the Policy

1. To ensure no person is sexually harassed at Workplace.
2. To promote gender sensitivity at Workplace
3. To promote conducive work environment for both the genders.
4. To comply with legal/mandatory obligations as mandated in POSH Act.

3. Scope of the Policy

This Policy is applicable to all employees across all locations (Branches, head office and all other places) of the Company. Harassment will not be permitted or will not be condoned within the organization whether it be based on a person’s race, color, ethnic or national origin, age, gender, real or suspected sexual orientation, religion or perceived religious affiliation, disability, or other personal characteristic.

4. Definitions

- 1) **“Sexual Harassment”** according to The Supreme Court definition, sexual harassment is any unwelcome sexually determined behaviour, such as:
 - a) Physical contact
 - b) A demand or request for sexual favors
 - c) Sexually colored remarks
 - d) Showing pornography
 - e) Any other physical, verbal or non-verbal conduct of a sexual nature

Further, the following circumstances may amount to Sexual Harassment takes place, if it occurs or is present in relation to any other act of Sexual Harassment:

- a. Sexual Harassment takes place, if a person subjects another person to an unwelcome act of physical intimacy, like grabbing, brushing, touching, pinching etc.
- b. Makes an unwelcome demand or request (whether directly or by implication) for sexual favors from another person, and further makes it a condition for employment/payment of wages/increment/promotion etc.

- c. Makes an unwelcome remark with sexual connotations, like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks etc.
 - d. Shows a person any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/any offensive written material/pornographic e-mails, etc.
 - e. Engages in any other unwelcome conduct of a sexual nature, which could be verbal, or even non-verbal, like staring to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.
 - f. A supervisor request sexual favors from a junior in return for promotion or other benefits or threatens to sack for non-cooperation.
 - g. Boss makes intrusive inquiries into the private lives of employees, or persistently ask them out.
 - h. Group of workers joke and snigger amongst themselves about sexual conduct to humiliate or embarrass another person.
- 2) **“Workplace”** shall mean the Company premises and also includes any place visited by the Employee during the course of employment including use of transportation provided by the Company.
- 3) **“Aggrieved Person”** shall mean any Employee of the Company who alleges to have been subjected to any act of Sexual Harassment at the Workplace as defined above.
- 4) **“Employee”** shall mean all regular and non-regular personnel of the Company, whether permanent or temporary, probationary, trainees, part-time or consultants or working on a voluntary basis or engaged through an agent or contractor.
- 5) **“Respondent”** shall mean the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Person.

5. Responsibility

Any supervising authority (Employees with one or more people reporting to him / her) are expected to take the necessary steps to ensure that Employees have the right to work in an environment free from harassing, intimidating or offensive behaviour. Supervisors shall consider fully all complaints directed to their attention, fully maintain confidentiality compatible with resolving the complaint, and disclose all reports of harassment to management.

All Employees are expected to take personal responsibility to ensure that their behavior is not contrary to this Policy and for upholding organization standards by treating with dignity and respect, all job applicants, fellow Employees, customers, contract and temporary personnel and any other individuals associated with the Company.

6. Formation of Internal Committee

In conformity with the POSH Act and the Rules an Internal Complaints Committee (“Internal Committee”) has been constituted against Sexual Harassment in Workplace. Management shall ensure that all investigations are conducted by the designated resource to ensure that prompt corrective action is taken where appropriate.

The Internal Committee shall comprise of the following members selected from the organization:

1. The Presiding officer (who shall be a woman employed at a senior level at Workplace from amongst the employees);
2. A minimum of two other members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge and
3. A designated member from an NGO or a lawyer

Any proceeding of the Internal Committee will need a minimum of 3- (Three) member quorum. including the Presiding Officer. The details of the Internal Committee have been detailed in Annexure 1 of this Policy.

7. Functioning of Internal Committee

1. The Internal Committee will meet as and when the complaints are received from the Employees with regard to any complaints of Sexual Harassment.
2. The Internal Committee shall meet within 24 (Twenty-Four) hours of the complaint being received from the Aggrieved Person.
3. Notice of the member of the committee shall be in writing or in exceptional circumstances on oral intimation.
4. The Internal Committee shall meet in the Company premises at any place where provision is made for enquiry.
5. Any Aggrieved Person who has complaint of Sexual Harassment by any co-Employee in the course of her employment is at liberty to make a complaint in writing to any of the members.
6. If any member other than the secretary receives the complaint, he or she shall forthwith call upon the secretary of the committee to convene the meeting.

8. Procedure

A. Informal Resolution Options

When an incident of Sexual Harassment occurs, the person aggrieved of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.

If the harassment does not stop or if the Aggrieved Person is not comfortable with addressing the harasser directly, the Aggrieved Person or any person on behalf of such Aggrieved Person can bring their concern to the attention of the Internal Committee for redressal of their grievances. The Internal Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints:

An Employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a personal complaint, giving the details of such harassment to the following email id: poonam@bestcapital.in

8.1 The Aggrieved Person may in writing make a complaint of Sexual Harassment at the Workplace to the Internal Committee, within, but not restricted to, a period of 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 last incident.

(a) Where the Aggrieved Person, cannot make a complaint in writing, the Presiding Officer of the Internal Committee or any member of the Internal Committee shall render all reasonable assistance to the Employee for making the complaint in writing.

(b) Where the Aggrieved Person is unable to make a complaint on account of her physical incapacity, a complaint may be filed by (i) her relative or friend, or (ii) her co-worker, or (iii) an officer of the National or State Commission for Women, or (iv) any person who has knowledge of the incident, /with the written consent of the Aggrieved Person.

(c) Where the Aggrieved Person is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (i) her relative or friend, or (ii) a special educator, or (iii) a qualified psychiatrist or psychologist, (iv) the guardian, or (v) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (v) herein.

(d) Where the Aggrieved Person, for any other reason, is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the Aggrieved Person.

(e) The Internal Committee may, for the reasons to be recorded in writing, extend the time limit for a period agreed upon by the committee, if it is satisfied that there were unavoidable circumstances which prevented the aggrieved person from filing a complaint within the period referred above. Such complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name of the respondent. The information disclosed by such Aggrieved Person should be treated as confidential information by the members of the Internal Committee.

(f) If the Aggrieved Person would like to initiate action under the Indian Penal Code, 1860 ("IPC"), she may inform the management of the Company of the same, and the management will provide necessary assistance to the Aggrieved Person to file the complaint in relation to the offence under the IPC.

8.2 The Aggrieved Person or the person making the complaint is required to disclose their names, departments, divisions and locations they are working in, to enable the Presiding Officer to contact them and take the matter forward. If the Presiding Officer of the Internal Committee determines that the allegations constitute an act of Sexual Harassment, he/ she will proceed to investigate the allegation with the assistance of the Internal Committee.

8.3 The Aggrieved Person shall also have the option of requesting to settle the matter between the Aggrieved Person and the Respondent through conciliation and in case of such request, the Complaints Committee shall take steps to settle the matter between the aggrieved person and the respondent through conciliation; provided no monetary settlement shall be made as basis of conciliation. Where settlement has been arrived, the Internal Committee shall record the settlement so arrived and forward the same to the management to take action as specified in the recommendation.

8.4 On initiating investigation, the Internal Committee shall send one copy of the complaint received

from the Aggrieved Person to the Respondent within a period of 7 (Seven) working days and may take any interim measures for purpose of justice.

8.5 The Respondent shall file his/her reply to the complaint along with his/her list of documents, and names and addresses of witnesses, within a period not exceeding 10 (Ten) working days from the date of receipt of the complaint by the Respondent;

8.6 The Internal Committee shall make inquiry into the complaint in accordance with the principles of natural justice by giving a chance for each side to present their own case and to present their own witnesses and evidence.

8.7 The Internal Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint by giving a notice of 15 (Fifteen) days to the party concerned, if the Aggrieved Person or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer.

8.8 The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee;

8.9 On the completion of an inquiry, the Internal Committee will provide a report of its findings to the management of the Company, within a period of 10 (Ten) days from the date of completion of the inquiry and such report will be made available to the concerned parties.

8.10 Once the investigation is completed and where the Internal Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend appropriate action to the management to take any. Disciplinary action in the form of:

- a. Warning
- b. Undergoing counseling session
- c. Written apology and bond of good behaviour
- d. Debarring from supervisory/ managerial duties
- e. Excluding the employee from promotion or increment or payment of variable pay or all of the above.
- f. Suspension without salary
- g. Dismissal from the services
- h. Assisting the aggrieved in lodging FIR / Handing over the employee to Police
- i. Blacklisting of the employee; and/or
- j. Any other punishment as may be warranted by the case

All concerned may be assured that the Internal Committee and the management will maintain the highest level of confidentiality in respect of all matters brought before it.

9. Action for False or Malicious Complaint of False Evidence

Where the Internal Committee arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Person or any other person making the complaint has made the complaint knowing it to be false or the Aggrieved Person or any other person making the complaint has produced any forged or misleading document, it may recommend to the management, to take Disciplinary Action against such person initiating such malicious complaint and/or submitting false evidence.

10. Appeal

10.1. Any Aggrieved Person:

- (a) from the recommendations made under the Inquiry report or
- (b) by the action recommended by the Internal Committee for false or malicious compliant or false evidence or
- (c) where any person entrusted with the duty to handle or deal with the complaint, inquiry contravenes the provisions of clause 12 of this policy,
- (d) from non-implementation of the recommendation

may prefer an appeal to the Court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the Aggrieved Person may prefer an appeal to the appellate authority notified under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

10.2. The appeal shall be preferred within a period of 90 (Ninety) days of the recommendations copy received by the appellant.

11. Conflict of Interest

Termination process based on poor performance can be initiated if supported by periodical performance appraisals. Once the termination process is initiated, then Employees irrespective of gender cannot raise Sexual Harassment concerns.

Similarly, if an Employee has raised Sexual Harassment concerns, then till the time, the case is not resolved, his/her manager cannot initiate termination process on the basis of poor performance.

12. Know Your Rights

- a. You have the right to decide what you find offensive and to take action to stop unacceptable and unwelcome behaviour.
- b. If you believe a particular behaviour towards you should stop, tell the person exactly what you find offensive and make it clear that it is unwelcome (do not think the harassment will go away – your silence could be taken for tacit consent).
- c. If you find this difficult to do or if the behaviour continues, discuss the situation with HR or your manager.
- d. If the unwelcome behaviour continues or if you feel you have been unlawfully discriminated against or harassed, you can lodge a formal complaint. You should discuss what to do with your Manager or Human Resources as quickly as you can.

13. Confidentiality

All matters of harassment will be treated with sensitivity and discussed only with parties that have a legitimate business need-to-know. Confidentiality is very important and will be maintained to the extent permitted by the circumstances. All the contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Company shall not be published, communicated or made known to the public, press or media in any manner.

Annexure 1: Members of the Internal Committee at Best Capital Services Limited.

Name of the Member	Designation	Email Address
Ms. Poonam Bagadia	Whole-time Director	poonam@bestcapital.in
Mr. Asho Kurup	Director	ashok@bestcapital.in
Mr. Mohan Bagadia	Admin. Officer & Law Graduate	m.bagadia@bestcapital.in
Ms. Vineeta Khatri	Manager-HR	vineeta@bestcapital.in

Annexure 2: **Disciplinary Authority:**

The Disciplinary Authority will be the Managing Director of the Company and he is Mr. Arun Bagadia. The internal committee after completing the process , will submit its final report / findings/recommendation in clear terms whether the charges are proved or not, to the Managing Director with full proceedings , papers, documents and findings of the committee for decision in the matter.

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