

WORKPLACE PREVENTION OF SEXUAL HARASSMENT POLICY

1 SCOPE OF POLICY

This policy applies to all consultants ("**Consultants**") appointed by Talwar Thakore and Associates ("**TT&A**"), and any other Employees (as defined below) engaged on behalf of TT&A, ensuring equally that no employee is subject to any Sexual Harassment. The policy encompasses work-related events, including business trips and social functions.

It may be amended by TT&A from time to time.

2 INTRODUCTION

TT&A has a zero tolerance approach towards harassment of any nature especially Sexual Harassment (as defined below) on any grounds and is committed to ensuring a safe working environment where everyone is treated with dignity and respect.

In accordance with our commitment to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the "**Act**"), TT&A will take action where necessary under this policy against any person associated with it, in any capacity that perpetrates, subjects any of the Employees to discrimination, harassment or victimisation amounting to Sexual Harassment.

3 DEFINITIONS

"**Act**" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and any rules framed pursuant to it, as amended from time to time.

"**Aggrieved Employee**" means a person, of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

"**Complaint**" shall mean any complaint filed by an Aggrieved Employee against a Respondent in terms of Paragraph 6.1 (*Filing a formal Complaint*) or the Act.

"**Employees**" means a person employed at any Offices of TT&A 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 a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name, including the Consultants.

"**Internal Committee**" has the meaning given to it in Paragraph 5.1.

"**Offices**" means together the offices of TT&A in Mumbai and Delhi which are established, owned, controlled or wholly or substantially financed by the funds provided directly or indirectly by TT&A.

"**Partner**" means each of the partners of TT&A responsible for the management, control and supervision at TT&A.

"**Respondent**" means a person against whom the Aggrieved Employee has made a complaint under Paragraph 6 (*Redressal Mechanism*) or Section 9 of the Act.

“Sexual Harassment” be interpreted in a manner consisted with the Act and includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) being (a) physical contact and advances; or (b) a demand or request for sexual favours; or (c) making sexually coloured remarks; or (d) showing pornography; or (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

“TT&A” means Talwar Thakore and Associates.

4 RESPONSIBILITY OF THE PARTNERS

4.1 Responsibility of the Partners

Every Partner shall be responsible for actions as set out in Section 19 of the Act, including but not limited to:

- 4.1.1** providing a safe working environment at the Offices which shall include safety from the persons coming into contact at the Office;
- 4.1.2** displaying at any conspicuous place in the Office, penal consequences of Sexual Harassment and the order constituting the Internal Committee;
- 4.1.3** organising workshops and awareness programmes at regular intervals for sensitising the Employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner prescribed under the Act and the rules made thereunder;
- 4.1.4** providing necessary facilities to the Internal Committee for dealing with the Complaint and conducting an inquiry; and
- 4.1.5** providing reasonable assistance in securing attendance of the Respondent or any witnesses before the Internal Committee and making available any information as may be requested by the Internal Committee from time to time.

5 APPOINTMENT OF INTERNAL COMMITTEE

5.1 In order to prevent Sexual Harassment and oversee effective resolution of any complaints made by the Employees for any conduct amounting to Sexual Harassment, TT&A and the Partners shall together constitute a committee (the **“Internal Committee”**) in each of its Offices. Details of such members of the Internal Committee shall be notified to all Employees in the given Office from time to time.

5.2 The Internal Committee shall comprise of:

- 5.2.1** a presiding officer being a woman employed at a senior level in the Office;
- 5.2.2** at least 2 members from amongst the Employees in the Office, committed to the cause of women and/ or having legal knowledge;
- 5.2.3** one external member, familiar with issues relating to Sexual Harassment; and
- 5.2.4** at least one half of the total members being women.

Provided that if members with sufficient seniority are not available within an Office to hold the position of a presiding officer of the Internal Committee, a member may be appointed to the Internal Committee from one of the other Offices of TT&A as the presiding officer.

- 5.3** The members (including the presiding officer) shall hold their position in the Internal Committee for a period of one year from the date of their nomination.

6 REDRESSAL MECHANISM

6.1 Filing a formal Complaint

The Aggrieved Employee needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the Internal Committee members at the Office.

The Complaint must be lodged within 3 months from the date of incident/ last incident. The Internal Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the Complaint. Provided that where such a Complaint cannot be made in writing, the presiding officer or any member of the Internal Committee shall render all reasonable assistance to the Aggrieved Employee for making the Complaint in writing.

If the Aggrieved Employee is unable to lodge the Complaint on account of their incapacity, the following may do so on their behalf, with their written consent.

- 6.1.1** legal heir, relative or friend;
- 6.1.2** co-worker; or
- 6.1.3** any person having the knowledge of the incident.

If the initial Complaint is made to a person other than a member of the Internal Committee, upon receiving such a Complaint, it will be the responsibility of the Complaint receiver to report the same to the Internal Committee immediately.

6.2 Resolution of formal Complaints

6.2.1 Conciliation

Once the Complaint is received, before initiating the inquiry the Internal Committee may take steps to conciliate the Complaint between the Aggrieved Employee and the Respondent, only if so requested by the Aggrieved Employee.

Provided that, conciliation in itself doesn't necessarily mean acceptance of the Complaint by the Respondent. It is a merely a mechanism through which issues are resolved or misunderstandings cleared. In cases of conciliation of Complaints, resolution shall be reached within 2 weeks of receipt of Complaint.

In case a settlement is arrived at pursuant to such conciliation, the Internal Committee shall record and report the same to the Partners for taking appropriate further action.

The Internal Committee shall provide copies of the settlement to the Aggrieved Employee & the Respondent. Once the action is implemented, no further inquiry shall be required to be conducted.

6.2.2 Inquiry by the Internal Committee

The Internal Committee shall conduct a formal inquiry in the following circumstances:

- (i) no conciliation is requested by the Aggrieved Employee;
- (ii) conciliation conducted in terms of Paragraph 6.2.1 above, does not result in a settlement; or
- (iii) the Aggrieved Employee informs the Internal Committee that any or all terms of the settlement after conciliation have not been complied with by the Respondent.

The Internal Committee shall provide a copy of the Complaint to the Respondent within 1 week from the date of any of the above.

6.3 Manner of conduct of inquiry by the Internal Committee

The Aggrieved Employee shall submit a Complaint with the supporting documents and name of witnesses and a copy of the Complaint shall be sent by the Internal Committee to the Respondent within 7 working days from the receipt of the Complaint..

The Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the Complaint and no legal practitioner can represent any party at any stage of the inquiry procedure.

The Internal Committee shall conduct the inquiry following the principles of natural justice and in accordance with and subject to the provisions of the Act.

6.4 Interim relief

During pendency of the inquiry, upon a written request by the Aggrieved Employee, the Internal Committee may recommend to the Partners to:

- 6.4.1** transfer the Aggrieved Employee or the Respondent to any other Office to the extent feasible;
- 6.4.2** grant leave to the Aggrieved Employee for a maximum of 3 months, in addition to the leave she would be otherwise entitled;
- 6.4.3** prevent the Respondent from assessing the Aggrieved Employee's work performance; and/ or
- 6.4.4** grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the Partners shall inform the Internal Committee regarding the same.

6.5 Inquiry procedure

All proceedings of the inquiry shall be documented. The Internal Committee shall interview the Respondent separately and impartially. The Internal Committee shall state exactly what the allegation is and who has made the allegation. The Respondent shall be given full opportunity

to respond and provide any evidence etc. in his defence. Detailed notes of the meetings shall be prepared which may be shared with the Respondent and Aggrieved Employee upon request. Any witnesses produced by the Respondent shall also be interviewed & statements made by such witnesses shall be recorded.

If the Aggrieved Employee or the Respondent desires to cross examine any witnesses, the Internal Committee shall facilitate the same and record the statements so made.

In case the Aggrieved Employee or the Respondent seeks to ask questions to the other party, they may give them to the Internal Committee which shall ask them and record the statement of the other party.

The quorum for the Internal Committee shall be a minimum of three members, and proceedings may be conducted by video subject to applicable laws. If a complaint is made against a member of the Internal Committee, such member shall not participate in any proceedings or inquiry in any manner.

Any such inquiry shall be completed, including the submission of the inquiry report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties. The procedure for conducting an inquiry shall be in accordance with Sections 10 and 11 of the Act.

6.6 Considerations while preparing inquiry report

While preparing the findings/recommendations, following shall be considered:

- 6.6.1** whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature;
- 6.6.2** whether the allegations or events follow logically and reasonably from the evidence;
- 6.6.3** the credibility of Aggrieved Employee, Respondent, witnesses and evidence; and
- 6.6.4** other similar facts, evidence, for example if there have been any previous accounts of harassment pertaining to the Respondent.

Both parties shall be given an opportunity of being heard and a copy of the proceedings were made available to both parties enabling them to make a representation against the findings.

A copy of the final findings shall be shared with the Aggrieved Employee and the Respondent to give them an opportunity to make a representation on the findings to the Internal Committee.

6.7 Submission of inquiry report and the determination of compensation

The Internal Committee shall submit its report to the Partners within 10 days from the completion of the inquiry. In case the allegations made in the Complaint are not substantiated, then the Internal Committee shall recommend that no action be taken by the Partner. In case the allegations made in the Complaint are substantiated, the Internal Committee may make recommendations in accordance with Section 13 of the Act and any compensation paid to the Aggrieved Employee shall have regard to the mental trauma, pain, suffering and emotional distress, loss of career opportunity due to the incident of Sexual Harassment, medical expenses (if any) incurred by the Aggrieved Employee for any physical or psychiatric treatment, the income and financial status of the accused and feasibility of such payment in lump sum or instalments.

The Partners shall take action considering the recommendations of the Internal Committee within 60 days from the date of such recommendations.

6.8 Malicious allegations

Where the Internal Committee determines that the allegations made by the Aggrieved Employee are malicious, or that the Aggrieved Person has made the Complaint knowing it to be false, or has produced any forged or misleading document, the Internal Committee may recommend to the Partners that the Aggrieved Employee be subject to such action as proposed for the Respondent in case of substantiated Complaints above. For the avoidance of doubt it is clarified that malicious intent of the Aggrieved Employee must be established in accordance with the process prescribed under the Act.

6.9 Confidentiality

The contents of the Complaint, the identity and addresses of the Aggrieved Employee, any witnesses or the Respondent or any information in relation to the conciliation, the inquiry proceedings and recommendations of the Internal Committee and the action taken by the Partners shall be deemed confidential and shall not be published, communicated or made known to the public, press or media in any manner. Any person in contravention of this confidentiality obligation shall be subject to any consequences as may be provided in the Act pursuant to Section 17.

6.10 Appeal

Any party not satisfied with the inquiry conducted by the Internal Committee may appeal to a court or tribunal as permitted under Section 18 of the Act within 90 days of the recommendations of the Internal Committee being communicated to the parties.

6.11 Copies of this Policy, the Act etc.

A copy of this policy along with the Act and the rules made thereunder shall be circulated by electronic mail or in physical copy by a Partner to all the Consultants and Employees of TT&A.

The copies of this policy, the Act and any other material and discourse on Sexual Harassment generated by TT&A from time to time shall also be made available to the Employees at each Office by the Administrator. Any Consultant or Employee may upon request, receive a copy of the above documents and all Consultants and Employees shall be notified in case any amendments are made to this policy.

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