Prevention of Sexual Harassment (POSH) Policy

PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY 1

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1. BACKGROUND

Emaar India is committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be.

Emaar India aims to provide a safe working environment and prohibits any form of sexual harassment. Hence any act of sexual harassment or related retaliation against or by any employee is unacceptable. This policy, therefore, intends to prohibit such occurrences and details procedures to follow when an employee believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding sexual harassment.

This Policy has been framed, in line with the provisions of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" of India (hereinafter referred to as the "POSH Act"1) and existing rules framed thereunder namely the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the "POSH Rules").

Under the POSH Act, complaints of sexual harassment at the workplace can only be filed by women.

Complaints of sexual harassment of women at the workplace will be dealt by the Internal Committee as per provisions of the POSH Act and Rules and complaints of sexual harassment filed by other genders will be dealt with by HR under the Code of Conduct Policy.

2. PURPOSE

To prohibit, prevent any form of sexual harassment and to provide a forum of redressal for complaints as per the provisions of the POSH Act and POSH Rules mentioned above and existing Global policies.

3. SCOPE

Emaar India does not tolerate harassment of any of our employees, applicants, vendors or customers, and our policy is to maintain a working environment free from harassment. This policy extends to all employees including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, secondees and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.
This policy does not prevent any aggrieved person from taking recourse to the law of the land.

4. DEFINITIONS

For this Policy - as provisioned under the Act,

4.1 Aggrieved woman

In relation to a workplace- A woman of any age who alleges to have been subject to any act of sexual harassment by the Respondent.

4.2 Respondent

It means a person against whom the aggrieved woman has made a complaint. It could be a person of any gender.

4.3 Employee

It means a person employed at a workplace for

- any work on regular, temporary, ad hoc or daily wages basis,
- either directly by the Emaar India or through an agent, including a contractor,
- with or, without the knowledge of the principal employer,
- whether for remuneration or not, or working voluntarily or otherwise,
- whether the terms of employment are express or implied.
- It includes a co-worker, a contract worker, probationer, trainee, apprentice, or a person called by any other such name.

This broad definition of an 'Employee' used for this policy cannot be used to claim rights

4.4 Employer

Employer shall mean any person responsible for the management, supervision and control of the workplace and the person discharging contractual obligations with respect to his or her employees and shall include the Chief Executive Officer (CEO) & Chief Human Resources Officer (CHRO) of Emaar India.

4.5 Workplace

This includes

- Any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit, or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services, or financial activities including production, supply, sale, distribution or service.
- Any sports institute, stadium, sports complex, or competition or games venue, whether residential or not used for training, sports, or other activities relating thereto.
- Any place visited by the employee arising out of or during employment, including transportation provided by the employer for undertaking such a journey.

As per Sec 2 (o) (v), Workplace includes the following places hereinafter termed as "**extended workplaces**." Places visited by an employee visited by the employee arising out of or during employment. These include:

- Transportation provided by Emaar India to their employees, contractors etc.
- Business Travel for meetings or attending conferences, exhibitions, workshops, training etc.
- Emaar India sponsored entertainment/events - offsites, parties, picnics, educational trips, etc.
- Digital workspaces- virtual meeting rooms, email, telephone calls, video calls, messages, etc.
- Emaar India provided accommodation or amenities like company cafeteria, gym, guest house etc.

4.6 Sexual Harassment

For any act or behavior to amount to an act of sexual harassment, it must meet 3 criteria.

- The act must be sexual in nature or have a sexual undertone.
- It must be un-welcome and make the woman feel uncomfortable.
- It must occur at the workplace.

If any of the above three criteria are not met, the act will not fall under the provisions of the POSH Act 2013.

4.7 Internal Committee

Internal Committee means the committee constituted by the Emaar India as per the provisions of the Act. Emaar India shall communicate the details of the Internal Committee (IC) to all employees separately.

5. FORMS OF SEXUAL HARASSMENT

Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether direct or by implication) such as:

Physical contact and sexual advances, which include

- unwelcome touching,
- unwelcome sexual advances.

Physical contact without a sexual undertone, though unwelcome and occurring at the workplace, would not fall under the Act.

Demand or request for sexual favors, which includes

- unwelcome invitations to go out,
- unwelcome requests or demand for sexual favors,
- either explicitly or implicitly,
- in return for employment, promotion, favors, examination, or evaluation of a person towards any Emaar India related activity.

Making sexually colored remarks include

- eve-teasing,
- innuendoes,
- jokes, letters,
- phone calls,
- email of a sexually offensive nature,
- intrusive questions about a person's private life or body,
- insults or taunts based on sex,
- obscene communication,
- verbal communication, which offends the individual's sensibilities and affects her/his performance or association with Emaar India.

Showing pornography, which includes showing or displaying sexually explicit pictures. This includes the sharing of sexually explicit pictures or videos through any electronic medium.

Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature which include

- gestures,
- lurid stares,
- stalking,
- indecent exposure,
- whistling,
- non-verbal communication, which offends the individual's sensibilities and affects her/his performance or association with Emaar India.

In short, any behavior, whether intentional or not, which outrages the modesty of a female employee will be considered as sexual harassment.

5.1 Reasonable person standard

To evaluate if a person's behavior/actions amounted to sexual harassment or not, the reasonable person standard is used to determine if the conduct was offensive or not and what a reasonable person would have done.

5.2 Working from Home or remotely.

While working from home, all the employees are covered under the POSH Act, POSH Rules.

Virtual Sexual Harassment can be construed of the follows:

- **Demanding or asking for sexual favors** – this could be verbal or through email or text message, or even of an implied nature, such as indicating that not providing a sexual favor could adversely impact a woman's career, or that doing the favor would be beneficial to her.
- **Online or Offline communications channels**- Do not use sexual/racially offensive nicknames or avatars, or other nicknames/avatars that might detract from a friendly, safe, and welcoming environment for all.
- Saying something that is sexual in nature, such as overt sexual innuendos, offensive jokes, remarks about a person's sexual orientation or sex life.
- Showing pornography.
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.
- Creating a hostile work environment for a woman, in connection with any of the above.
- Personal comments of a sexual nature on the person's social media handles
- Inappropriate emojis and messages
- Stalking virtually
- Insisting on video calls well after office hours
- Undefined work hours

6. TYPES OF SEXUAL HARASSMENT

No woman shall be subjected to sexual harassment. In case any of the following circumstances are present, in relation to or connected with any act or behavior of sexual harassment, it may amount to sexual harassment:

6.1 Quid Pro Quo

- Implied or explicit promise of preferential treatment in her employment
- Implied or explicit threat of detrimental treatment in her employment
- Implied or explicit threat about her present or future employment status.

Quid Pro quo is a Latin term which means "This for That".

It indicates a request for sexual favors in exchange for job benefits like a promotion, pay hike, favorable work conditions. When the favors are refused, there could be a threat of adverse job-related consequences.

The threat could be about current or future employment status. It is not necessary that the threat should have been carried out.

6.2 Hostile environment

- Interference with her work or creating an intimidating or offensive or hostile work environment for her.

- Humiliating treatment likely to affect her health and safety.

Hostile Work environment includes intimidating or creating an offensive work environment for e.g. using vulgar language, passing offensive remarks against a person or a group of persons such that it impacts the work conditions of the person. It includes marginalizing someone in the workplace regarding his / her roles and responsibilities, socially ostracizing, intimidating someone physically, psychologically, and emotionally or someone close to or related to the victim, to the extent that the humiliation or intimidation affects the health or safety of the person. All these acts could affect the work environment of the person making it difficult for them to work and affecting their productivity in the workplace.

This is only an indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

7. CONSTITUTION OF THE INTERNAL COMMITTEE

7.1 Structure of the Committee

We have one central Internal Committee located at the Head Quarters Gurgaon. It comprises of:

Presiding Officer- A woman employed at a senior level in the organization or workplace.

Employees -At least 2 employees from amongst employees, preferably

- committed to the cause of women or
- having legal knowledge or
- experience in social work

External Member - One external member,

- from an NGO or association committed to the cause of women or
- a person familiar with handling issues relating of sexual harassment.

At least one-half of the total IC members will be women.

7.2 Term

The term of the office of the Internal Committee is for a period of 3 years. When the three-year period is over - the exiting employees of the Internal Committee will continue to hold office till the new Internal Committee is constituted.

There is no restriction from re-appointing the members as long as a fresh nomination letter issued.

7.3 Responsibilities of the Committee

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting an inquiry as per the established procedure
- Submitting findings of inquiries and making recommendations.

- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format.

Out of t he appointed employees, one person is nominated as a **Convener**. It is the responsibility of the convener to document all the reports and findings. The IC nominated employees, and the External member will review all cases of sexual harassment reported within Emaar India.

7.4 Quorum

A quorum of 3 employees is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer and at least two other members.

7.5 Entry/Exit of IC member

If an IC member ceases to be an employee/member of Emaar India for any reason, then she/he will also cease to be a member of the Internal Committee. A new member will be appointed to the committee in his/her place at the earliest.

7.6 Removal of IC member

The Presiding Officer or any member of the IC may be removed under the following circumstances:

- In case of contravention of Sec 16 of the Act on confidentiality.
- If he/she has been convicted of an offense or an inquiry into an offense is pending against him/her.
- In case he/she has been found guilty of any disciplinary proceedings, or any disciplinary proceeding is pending against him/her.
- If he/she has abused his position to render his continuance in office prejudicial to the public interest.

In such a case, the Presiding Officer or any IC member shall be removed from the Committee. The vacancy so created shall be filled in by a fresh nomination by the employer.

8. COMPLAINT REDRESSAL MECHANISM

Emaar India is committed to providing a supportive environment to resolve complaints of sexual harassment, if any.

8.1 Procedure to File a Complaint

If any aggrieved employee believes that she has been subjected to sexual harassment, such employee may file a complaint providing all details including evidence, list of witnesses, if any to the email id of the Internal Committee provided by Emaar India.

8.2 Time period for filing the complaint:

- **In case of an incident**- within a period of 3 months from the date of the incident
- **In case of a series of incidents** – within a period of 3 months from the date of the last incident

- **Inability to file the complaint within 3 months** - if the aggrieved woman cannot file the complaint within a period of 3 months due to circumstances beyond her control, she can put forth the reasons for the same before the Internal Committee.

The Internal Committee may at its discretion, extend the period by 3 months if it is satisfied that the circumstances were such that they prevented the aggrieved woman from filing the complaint.

8.3 What should the complaint contain?

A complaint should include the following points.

- Date of the incident (when did the incident happen?)
- Location of the incident (where did the incident happen?)
- Details of the incident – (what happened?)
- Time of the incident – (at what time did it happen?)
- Name of Respondent – (with whom did it happen?)
- Nature of parties' working relationship (what is the relationship between the parties? Are they colleagues, manager -subordinate relationship, etc.)?
- Evidence if any- Necessary supporting documents (if available to support her complaint as evidence)
- List of witnesses (if any to support her complaint)

8.4 Submission of complaint

- **In physical form** - if the complaint is being submitted in physical form, the Complainant shall submit six copies of the complaint and supporting documents and witnesses' names and addresses.
- **By email** - The Complainant may send all the necessary documents by email to the IC. Emaar India will communicate the email id along with the details of the Internal Committee members.

8.5 What can be done in case the Complainant is unable to make the complaint in writing?

Physical incapacity- In case the Complainant is physically unable to make the complaint in writing, the complaint can be filed by

- A relative or
- A friend, or
- Co-worker or an officer of the National Commission for Women or State Women's Commission or
- any person who knows about the incident
- with the written consent of the Complainant.

Mental incapacity -In case of the Complainant's mental incapacity, the complaint can be filed by

- A relative or
- A friend or
- Special Educator or
- Qualified Psychiatrist/ Psychologist or
- A guardian/authority under whom the Complainant is receiving treatment or care or

- Any person who knows about the incident with her written consent.

Death - In the case of the Complainant's death, the complaint can be filed by any person who knows about the incident with her legal heir's written consent.

- **Any other reason**- If the Complainant is unable to file the complaint for any other reason, then the complaint can be filed by any person who knows about the incident with her written consent.
- **Inability to put in writing** -If the complainant cannot write the complaint, the Internal Committee will render reasonable assistance to the employee for making the complaint in writing.

9. MANNER OF DEALING WITH THE COMPLAINTS

9.1 Resolution procedure

On receipt of the complaint, the Committee members will notify the Convener, Presiding Officer, immediately and schedule a meeting to evaluate if there is a prima facie case or not.

Once it is evaluated that a prima facie case has been made out, the IC shall provide a copy of the complaint, supporting documents, list of witnesses received from the aggrieved woman to the Respondent within 7 working days.

Respondent shall file their reply and supporting documents and list of witnesses they rely upon to prove their innocence within a period of 10 working days of receipt of the complaint.

9.2 Conciliation

Once the complaint is received, the Internal Committee may take steps to settle the complaint between the Complainant and the Respondent before initiating the inquiry. This can only be initiated at the request of the Complainant.

Conciliation doesn't necessarily mean acceptance of the guilt by the Respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared. Resolution through conciliation generally happens within 2 weeks of receipt of the complaint.

If a settlement is arrived at, IC records the same and reports the same to the Employer for taking appropriate action. The committee provides copies of the settlement to the Complainant and the Respondent. Once the action is implemented, no further inquiry is conducted, and the complaint is treated as closed.

9.3 When can the Internal Committee refuse conciliation?

- No request has been made by the aggrieved woman for conciliation. Conciliation can only be initiated at the request of the Complainant.
- In the case of monetary settlement – If the internal Committee becomes aware that money is the basis of settlement, it may not permit conciliation.
- In case the offense is grave - In cases where the offense alleged to have been committed is of a serious nature; the Internal Committee may not permit conciliation.

9.4 Failure of Conciliation-

In cases where;

- The Respondent doesn't agree to the terms of conciliation,
- Fails to comply with the terms of the settlement, the aggrieved woman can refer the same to Internal Committee, who will then set aside the Conciliation agreement and proceed with the inquiry.

9.5 Time for implementation

Implementation of the terms of the settlement shall be completed within 60 days.

10. INQUIRY PROCESS

The Committee will organize verbal/virtual hearings with the Complainant, Respondent, witnesses as per the provisions of the POSH Act 2013. The Convener will document all aspects of the hearings.

In brief:

- IC will speak to both parties separately.
- Examine proof if it has been provided.
- Verify documents produced by the parties,
- Allow the parties to produce witnesses and to put forth their say.
- Share copies of the witness statements with both Complainant and the Respondent.
- If necessary, IC will take testimonies of other relevant persons and review the evidence wherever necessary.
- IC may request documents or information from other parties if deemed necessary.
- Give both the parties an opportunity to be heard. The inquiry procedure will ensure absolute fairness to all parties.
- If the Complainant or Respondent desires to cross-examine any witnesses, they may share the questions with the IC and the IC will facilitate the same and record the statements.
- The committee will conduct the inquiry as per the principles of natural justice.
- The legal practitioner will not be permitted to represent any of the parties at any stage of the inquiry procedure.
- Confidentiality - Under no circumstances will the committee reveal or disclose the identity of the Complainant, Respondent, witnesses, etc., to anyone other than all those who are required to know about the case. The Complainant, Respondent, witnesses shall also be bound by confidentiality.

10.1 Interim relief

During the pendency of the inquiry, on a written request made by the Complainant, the committee may recommend to the employer to –

- Transfer the Complainant or the Respondent to any other workplace.
- Grant leave to the aggrieved woman of a maximum of 3 months as per Internal Committee's discretion, in addition to the leave she would be otherwise entitled.
- Prevent the Respondent from assessing Complainant's work performance.
- Grant such other relief as may be appropriate to maintain a conducive work atmosphere.

The employer will inform the Internal Committee once he has implemented the interim relief recommended.

10.2 Termination of Inquiry/Ex parte order

In a situation where the Complainant or Respondent is absent for 3 consecutive hearings without justifiable cause or intimation, the Committee may dismiss the complaint or pass an ex parte order based on the evidence before it.

However, before dismissing the complaint or passing an ex-parte order, the Internal Committee will send a written notice to the parties granting them 15 days to show cause, why the complaint should not be dismissed, or an ex-parte order passed.

10.3 Action by IC post Inquiry

After the inquiry is completed, within 10 days, the IC will decide and prepare an Inquiry Report and submit its recommendation to the Employer. A copy of the Report and recommendation will be provided to the Complainant and the Respondent. After the report is submitted, the complaint will be treated as closed.

The decision of the IC, along with observations and recommendations will be final and binding. The Employer will implement the recommendations within 60 days of receiving the recommendations. While implementing the recommendations, the Employer will ensure that the names of the Complainant, Respondent, witnesses, and any other persons are always kept strictly confidential.

10.4 If the charge has been proved.

The committee concludes that the allegation against the Respondent has been proved. It recommends that the employer take necessary action for sexual harassment as misconduct, as mentioned in the Code of Conduct or Appointment letter. The actions may be as follows:

10.4.1 Disciplinary penalty

The IC can choose one or multiple penalties from the ones listed below.

- Written apology Counselling
- Warning
- Censure or reprimand
- Withholding promotion
- Withholding pay hikes/ increments where applicable.
- Termination of services
- Counselling
- Community Service

10.4.2 Financial Penalty

The IC also has the power to levy a financial penalty. The said penalty amount as decided by the IC is deducted from the Respondent's salary and paid to the aggrieved woman.

The quantum of the Financial Penalty would be based on parameters like

- The mental trauma experienced by the Complainant.
- Loss of career opportunity due to the incident of sexual harassment.
- Medical Expenses incurred by the victim for physical or psychiatric treatment.
- Income and financial status of the respondent.
- Feasibility of whether the amount should be paid as a lump sum or in instalments.

10.4.3 Timeline for Implementation

Employer will then act upon the recommendations within 60 days and confirm to the Internal committee that the recommendations have been implemented.

10.4.4 Prevention of retaliation

The IC will follow up periodically with the Complainant to ascertain whether the offensive behavior has, in fact, stopped, the solution is working satisfactorily, and there is no victimization of any of the parties to the complaint.

10.5 If the charge has not been proved

Where the committee concludes that the allegation against the Respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. The committee ensures that both parties understand that the matter has been fully investigated. That the matter is now concluded, and neither will be disadvantaged within Emaar India.

10.5.1 Inability to prove the complaint due to lack of evidence.

Mere inability by the Complainant to prove the complaint does not mean that the complaint is false. In such a case, no action is taken.

10.5.2 If it is found that the charge is false, or malicious or knowingly false evidence has been furnished by any of the parties.

The Internal Committee will take action against the party who has knowingly made a false statement or furnished false evidence. While deciding malicious intent, the committee will consider that mere inability to substantiate a complaint need not mean malicious intent. A separate inquiry shall be conducted to establish malicious intent.

10.5.3 Consequences of False Complaint

Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of policy.

In case the Internal Committee concludes at the end of the inquiry that the allegations made,

- Were malicious or
- Have been made by the Complainant knowing them to be false, or
- Any false or forged document or document intended to mislead the IC has been produced to prove the case.

10.5.4 Consequences of producing false/forged documents or providing false evidence

The Internal Committee will recommend action against the Complainant or against the person who has deposed falsely or produced a forged document intending to mislead the Internal Committee in their inquiry.

11. APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made may appeal to the Appellate Authority as per the Section 18 of the Act and Rule 11 of the Rules, within 90 days of the recommendations being communicated.

12. PREVENTIVE ACTION

Emaar India has zero-tolerance towards sexual harassment and will take reasonable steps to prevent sexual harassment at work. This will include drafting suitable policies, creating awareness through training or posters for all employees and employees, including all new joiners.

13. OBLIGATIONS OF EMPLOYER/MANAGEMENT

Emaar India shall provide all necessary assistance to ensure full effective and speedy implementation of the policy, providing support to the Internal Committee (IC) constituted as above, and shall expeditiously implement the decisions.

14. THIRD-PARTY HARASSMENT

In case of sexual harassment by a third-party, IC will actively assist the Complainant in pursuing the complaint as per the laws prevailing in the country, e.g., under the Bhartiya Nyaya Sanhita (BNS) or any other Acts for the time being in force.

Emaar India encourages its clients/partners to commit to a working atmosphere free from sexual harassment in their organizations. Emaar India may act as a Facilitator in the redressal of complaints of sexual harassment in such circumstances.

15. CONFIDENTIALITY

Emaar India understands that it is difficult for the Complainant to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

The Complainant's identity, Respondent, witnesses, statements, and other evidence obtained during the inquiry process, recommendations of the committees, and action taken by the employer are considered confidential and not published or made known to the public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

16. RESPONSIBILITY OF EMPLOYEES

Emaar India promotes a harassment free and cordial work environment. Any form of harassment, intimidation or unwarranted behavior is not acceptable; hence it is extremely important to report the same. Therefore, it is the responsibility of the concerned to bring any such incident to our notice immediately so that appropriate corrective measures can be initiated to contain the same.

17. SAVINGS

The proceedings under the policy shall not be stalled or postponed merely because the Complainant is proceeding against the Respondent under any other provision of civil or criminal law.

Emaar India reserves its right to make any changes in this policy as per circumstances or changes in the law for the time being in force.

18. POSH COMMITTEE

S. No	Member Name	Designation	POSH Committee	Contact Details
1	Anjali Auluck Vaid	Senior General Manager - Customer Services	Presiding Officer	avaid@emaar-india.com
2	Vasant D Shelke	Head - Legal	Member	vasantds@emaar-india.com
3	Bharat Bhushan Garg	Head – Corporate Secretarial	Member	bharat.garg@emaar-india.com
4	Neha Saxena Shenoy	Chief Human Resource Officer	Member	neha.saxenashenoy@emaar-india.com
5	Deepak Makhija	Business Head - Punjab	Member	deepak.m@emaar-india.com
6	Kavita Agarwal	General Manager - Finance	Member	kagarwal@emaar-india.com
7	Kamakshi Chowdhry	Deputy General Manager - Legal	Member	kchowdhry@emaar-india.com
8	Dr Sandhya Advani	-	External Member	sandya@poshsystems.com

Note: Emaar India reserves its right to interpret, modify, suspend, or withdraw any policies, procedures, rules, protocols or guidelines, with or without notice, at its sole discretion.