



MITS Global Consulting Private Limited

PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY

Version	Date	Prepared by	Reviewed by	Approved By
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1.1	01-01-2025	Sangeeta Mungapatil	CS Swati Nivalkar	Sandeep Dhurka

Purpose:

The purpose of this policy is to ensure that consistent practices, in accordance with applicable laws, are followed to prevent occurrence of Sexual Harassment, procedure for redressal of complaints of Sexual Harassment at workplace.

Applicability:

This policy is applicable to all employees (permanent, temporary or contractual), consultants, trainees, volunteers, third parties and/or visitors at all business units or functions of the company – MITS Global Consulting Pvt Ltd, its subsidiaries and/or its affiliated or group companies including any place visited by the employee arising out of or during the course of employment including transportation provided by employer for undertaking such journey, across all locations and geographies (collectively termed as “MITS”).

Key Definitions:

We are committed to

- a) Aggrieved Women: In relation to workplace, a woman, of any age, whether employed or not alleges to have been subjected to any act of sexual harassment at workplace.
- b) Complainant: Any aggrieved woman who makes complaint alleging sexual harassment under this policy.
- c) Respondent: A person against whom the aggrieved party has made the complaint.
- d) Employee: A person employed at a workplace 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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- e) Company: Any person responsible for the management, supervision and control of the workplace and the person discharging contractual obligations with respect to his/her employees.
- f) District Officer: Officer designated by the Government to exercise power or discharge functions under the Sexual Harassment of Women at Workplace Act 2013.
- g) Workplace: In addition to the place of work, it extends to any place visited by the employee arising out of or during the course of employment and includes transportation provided by the employer for undertaking such journey.
- h) Sexual Harassment: The following behavior is considered inappropriate within the Company's working environment and is liable for disciplinary action and legal action if necessary:
 - Unwelcome sexual advances involving verbal, non-verbal or physical conduct, implicit or explicit;
 - Physical contact and advances;
 - Demand or request for sexual favors;
 - Sexually colored remarks, including but not limited to vulgar/ indecent jokes, letters, phone calls, text messages, e-mails, gestures, etc.;
 - Showing pornography or the likes;
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

- Physical contact and advances such as touching, stalking, sounds which have explicit and/or implicit sexual connotation/ overtones, molestation, etc.;
- Display of pictures, signs, etc. with sexual nature/ connotation/overtone in the work area and work related areas;
- Verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance and has sexual connotation/ overtone/ nature;
- Teasing, innuendos and taunts, physical confinement and/or touching against one's will and likely to intrude upon one's privacy.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in the employment.
- ii. Implied or explicit threat or detrimental treatment in the employment.
- iii. Implied or explicit threat about the present or future employment status.
- iv. Interference with the work or creating an intimidating or offensive or hostile work environment.
- v. Humiliating treatment likely to affect health or safety.

An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy.

Redressal Mechanism:

In compliance with the Act, any complaint under this policy shall be followed by a formal redressal mechanism as described in this Policy.

A. Internal Complaints Committee (Henceforth known as 'committee')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committees (IC) have been appointed for all administrative units / offices of the company. The detail of the committee is notified to all covered persons at the location (workplace). The committee at each location comprises of:

1. Presiding Officer: A woman employed at a senior level in the organization or workplace
2. At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge.
3. One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
4. At least one half of the total members nominated being women.

The committee will be responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries

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

The Composition of Committee shall be as follows:

Sr.	Names	Designation	Contact Mobile No.	Email id
1.	Sangeeta Mungapatil	Presiding Officer	7506787151	sangeeta@mitsit.in
2.	Madhu Jain	Member	894697069	madhu@mitsit.net
3.	Jayesh Parmar	Member	9930497781	jayesh@mitsit.net
4.	CS Swati Nivalkar	External Member	9967616230	ssnivalkar@rediffmail.com

B. Lodging a Complaint.

An aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of 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 within the period.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

1. If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
 - her relative or friend; or
 - her co-worker; or
 - an officer of the National Commission for Women or State Women's Commission; or
 - any person who has knowledge of the incident, with the written consent of the Aggrieved Woman

If the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:.

- her relative or friend; or
- a special educator; or
- a qualified psychiatrist or psychologist; or
- the guardian or authority under whose care she is receiving treatment or care; or
- any person who has knowledge of the incident jointly with the Aggrieved Woman's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care

2. If the Aggrieved Woman 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 her written consent.
3. If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the IC electronically at hr@mitsit.in. The complaint can also be physically submitted to any IC member.

a. Manner and Procedure of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with documentary proof, oral or written material, etc., to substantiate her complaint.
- The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
- The respondents shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
- Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy

- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- In the event, the complaint does not fall under the purview of Sexual Harassment, or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

If the complainant or respondent desires to cross-examine any witnesses, the Committee facilitates the same and records the statements. In case a complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

b. Interim relief

During the pending 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 maximum 3 months, 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

Once the recommendations of interim relief are implemented, the same is informed to the committee.

c. Termination of Inquiry

The committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

d. Action to be taken after inquiry

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

e. Complaint unsubstantiated

Where the committee arrives at the conclusion 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. Further, 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 the Company.

f. Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment

as misconduct, in accordance with the applicable service rules and policies, and this may include:

- Counseling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination
- Or any other action that the employer may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

g. Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

h. Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

i. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

j. Awareness

Awareness sessions are to be organized to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Carry out orientation programs and seminars for the Members of the IC.
- Conduct capacity building and skill building programs for the Members of the IC.
- Declare the names and contact details of all the Members of the IC.
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

k. Legal Compliance

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness program against Sexual Harassment carried out
- nature of action taken by the employer or District Officer

Prevention of Sexual Harassment

- MITS takes full responsibility to provide a safe working environment at all offices or business units. MITS shall also display a Notice of Internal Committee Members at a conspicuous place at all its respective locations.
- MITS considers Sexual Harassment as a serious misconduct.
- MITS does not encourage late sitting of women at workplace, except in urgent circumstances and does not place them in isolated or dangerous locations.
- MITS will assist the aggrieved women in cases of incident of Sexual Harassment by visitors or third parties.
- Basic psychological counselling will be provided to the victim or complainant, if required.
- Necessary facilities will be provided to POSH for dealing with the complaint and conducting an inquiry in an independent manner and without any influence of management or any other senior officials.
- MITS will report the number of cases filed, if any, and their disposal in the annual report.

Communication of Issues

- All queries regarding the policy should be addressed to the any members of POSH at the respective locations.
- Any non-compliance to this policy may be reported to the HR Head or a whole-time Director.

Miscellaneous

The Company shall, in consultation with the ICC, periodically review the provisions of this Policy and its implementation (considering practical problems, if any, faced by the ICC and/or Employees of The Company in the implementation of this Policy).

The Company reserves the right to amend the provisions of this Policy, from time to time, as it deems fit, subject to applicable laws.

**Annexure 1: Internal Committee of MITS Global Consulting Pvt Ltd - Mumbai
comprises of the following members**

The Composition of Committee shall be as follows

Sr.	Names	Designation	Contact Mobile No.	Email id
1.	Sangeeta Mungapatil	Presiding Officer	7506787151	sangeeta@mitsit.in
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