

POLICY FOR PREVENTION OF SEXUAL HARASSMENT (POSH)

PURPOSE

To create and maintain safe work environment, free from sexual harassment & discrimination for all its employees as per “The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.”

SCOPE

Infinity Infotech Parks Limited (“the Company”) is committed to provide and promote a safe, healthy and congenial working environment that enables employees to work without fear irrespective of gender, caste, creed or social class and sexual harassment. It strives to create a work environment in which employees can realize their maximum potential.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a Legislative Act in India that seeks to protect women from sexual harassment at their place of work. Based on the Act, read with rules, It is a policy against sexual harassment in the workplace and is directed to ensure zero tolerance towards verbal, psychological, physical conduct of a sexual nature by any employee or stakeholder that directly or indirectly harasses, disrupts or interfaces with another’s work performance or that creates an intimidating, offensive or hostile environment.

This Policy applies to all employees/ consultants (including Trainees/ Apprentices/ Contract Workers) of the Company and it is mandatory to follow this policy and the guidelines formulated herein. Sexual Harassment at Workplace is an offence and any individual employee/ consultant who are found to have violated the POSH policy shall be subject to appropriate disciplinary action as decided by the constituted Internal Complaint Committee (ICC) / Internal Committee (IC), in accordance with the statutory provisions.

The Posh Policy of the Company has been reviewed in line with the constantly evolving statute Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with amendments and modifications thereon. Accordingly, this “Posh Policy – 2023” is revised version of the earlier Posh Policy and supersedes all prior policies and communication on this matter.

DEFINITION

- a) "Aggrieved Woman" means in relation to workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- b) "Complaint" means a complaint of sexual harassment lodged with the Internal Complaint Committee (ICC) / Internal Committee (IC).

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- c) "Complainant" means an aggrieved woman or such other person who makes complaint for and on behalf of aggrieved woman, alleging sexual harassment under this policy to the Internal Complaint Committee (ICC) / Internal Committee (IC).
- d) "Company" means Infinity Infotech Parks Limited and its holding & subsidiary companies including its branches and also its associate and joint – venture companies.
- e) "Respondent" means a person against whom the aggrieved woman has made a complaint for sexual harassment.
- f) "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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 whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- g) "Employer" means a person responsible for the management, supervision and control of the workplace.
- h) "Internal Complaint Committee (ICC)" / "Internal Committee (IC)" means a committee constituted by the Company to deal with matter related to sexual harassment.
- i) "Workplace" includes:
- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company.
 - Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking official journey.
- j) "Sexual Harassment" includes one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
- Physical contact and advances; or
 - a demand or request for sexual favours; or
 - making sexually coloured remarks; or
 - showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or sayings; or
 - forwarding, sending either over e-mail, mobile or messages or other electronic means on pornography, or other offensive or derogatory pictures, cartons, jokes, graphics, pamphlets or saying, etc.
 - any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

In addition, the following acts 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:

- implied or explicit promise of preferential treatment in the employment; or
- Implied or explicit threat of detrimental treatment in the behavior; or
- Implied or explicit threat about her present or future employment status; or

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- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - humiliating treatment likely to affect the health and safety.
- k) "Incident" means an incident of sexual harassment as defined in point (i).
- l) "Special Educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

INTERNAL COMPLAINT COMMITTEE (ICC) / INTERNAL COMMITTEE (IC)

To inquire and advise suitable action on the complaints on sexual harassment, there shall be a Committee called as "Internal Complaint Committee (ICC)" / "Internal Committee (IC)". The Internal Complaint Committee / Internal Committee shall consist of the following members to be nominated by the employer or the HR Department in consultation with the Management, namely:

a) A Presiding Officer, who shall be a woman employed at a senior level at the workplace from amongst the employees.

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace. Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.

b) Not less than two (2) Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.

c) One 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.

Person Familiar with the issues relating to sexual harassment shall be a person who has expertise on issues relating to sexual harassment and may include any of the following: (a) social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment; (b) a person who is familiar with labour, service, civil or criminal law.

Provided that at least 50% of the total Members so nominated shall be women.

The ICC / IC members details of the Company of all workplace is mentioned in Annexure "A"

- 1) The Presiding Officer and every Member of the ICC / IC shall hold office for such a period, not exceeding three years, from the date of their nomination as may be specified by the employer. However, upon completion of period of three years as a Member of ICC / IC, the existing member

shall continue to be the Member of ICC / IC Committee till new member is appointed to fill such vacancy.

Provided however that a person shall cease to hold offices as a member of the Internal Complaint Committee (ICC) / Internal Committee (IC) if he/ she cease to be an employee on account of resignation, termination, and death or for another reason whatsoever, and in such case the Company shall fill the vacancy immediately.

- 2) The Member appointed, if any, from amongst non-government organizations shall be entitled to a necessary allowance for holding the proceedings of the ICC / IC and also the reimbursement of necessary travel cost incurred in travelling. The employer shall be responsible for the payment of such allowances.
- 3) Where the Presiding Officer or any Member of the Internal Complaint Committee (ICC) / Internal Committee (IC) –
 - contravenes the provisions of Section 16 of the Sexual Harassment of Women at Workplace (Prevention, and Prohibition and Redressal) Act, 2013; or
 - has been convicted for an offence or an inquiry into an offence under any law for the time being in force is ‘pending against such ICC / IC member; or
 - has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against such ICC / IC member; or
 - has so abused the ICC / IC membership position as to render the continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the Act.

GRIEVANCE MECHANISM

PROCEDURE TO REGISTER COMPLAINTS

Any aggrieved woman may file a complaint of sexual harassment at workplace to ICC / IC in writing, in six copies of the complaint along with supporting documents to their respective email IDs , or send by post or given to any member of the ICC / IC within 3 months from date of incident of an act of sexual harassment and in case of a series of incidents, within a period of three months from the date of last incident, which may further be extended for a period not exceeding three months by ICC / IC by recording the reasons in writing, if circumstances were such which prevented the woman from filing a complaint within the said period.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of ICC / IC shall render all reasonable assistance to the woman for making a complaint in writing.

Note: The written complaint should contain a description of each incident(s) and include relevant date(s); timings and locations; name of the respondent and working relationship between the parties and the names and addresses of the witnesses.

- Where aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by- (a) her relative or friend; or (b) her co-worker; or (c) an officer of the National Commission for Women or State Women's Commission; or (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by- (a) her relative or friend; or (b) a special educator; or (c) a qualified psychiatrist or psychologist; or (d) the guardian or authority under whose care she is receiving treatment or care; or (e) any person who has knowledge of the incident jointly with her 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;
- Where 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.
- Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

MANNER OF INQUIRY INTO COMPLAINT AND SUBMISSION OF INQUIRY REPORT

1) The ICC/ IC may before initiating an inquiry under Section 11 of the Act, and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation, provided that no monetary settlement shall be made.

Where a settlement has been arrived, the ICC / IC, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation and also provide the copies of the settlement as recorded to the aggrieved woman and the respondent and no further inquiry shall be conducted by the ICC / IC. However, if the terms arrived during conciliation has not been complied with by the respondent, the ICC / IC shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

2) The ICC / IC shall make detailed inquiry into the complaint in accordance with the principles of natural justice and shall complete within the time period of ninety (90) days.

a) The ICC / IC on receipt of the complaint shall send one of the copies received from the complainant to the respondent within the period of seven (7) working days.

b) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten (10) working days from the date of receipt of the documents.

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- c) Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the ICC / IC.
- d) The parties shall not be allowed to bring in any legal practitioner or represent them in their case at any stage of the proceedings before the ICC / IC.
- e) In conducting the inquiry, a minimum of three (3) members of the ICC / IC including the Presiding Officer shall be present.
- f) The ICC / IC shall have the right to terminate the inquiry proceedings or to give an ex parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen (15) days in advance, to the party concerned.
- 3) The ICC / IC, after completing the inquiry, shall provide a report of its findings to the employer with recommendations of the penalty to be imposed within the ten (10) days from the date of the completion of inquiry and such report be made available to the concerned parties.
- a) Where the ICC / IC, arrives to the conclusion that allegation of sexual harassment against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- b) Where the ICC / IC, arrives to the conclusion that allegation of sexual harassment against the respondent has been proved, it shall recommend to the employer to take following actions for sexual harassment as a misconduct:
- A written apology/ warning/ reprimand or census/ withholding of promotion/ withholding of pay rise or increments/ termination of the respondent from the service/ undergoing a counselling session/ carrying out community service.
 - Deduct from the salary or wages of the respondent such sum as it may be considered appropriate to be paid to the complainant or to her legal heirs as compensation.

The factors which determine the amount of the compensations are as follows:

- (1) the mental trauma, pain, suffering and emotional distress;
- (2) the loss in the career opportunity due to the incident;
- (3) medical expenses for physical or psychiatric treatment;
- (4) the income and financial status of the respondent;
- (5) feasibility of such payment in lump sum or in installments.

Provided that in case the employer is unable to make any deduction from the salary of the respondent due to his being absent from the duty or cessation of employment it may direct to the respondent to pay compensation to aggrieved woman.

- In case the respondent fails to pay the compensation, the ICC / IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- c) Where the ICC / IC arrives at the conclusion that allegation against the respondent is malicious; or complainant or any other person knowingly filed a false complaint; or complainant or any other person produced forged /misleading documents; or any witness has given false evidence or produced any forged/misleading documents, it shall recommend to the employer or employer of witness to take any of the following action(s) : A written apology/ warning/ reprimand or census/ withholding of promotion/ withholding of pay rise or increments/ termination of the complainant from the service/ undergoing a counselling session/ carrying out community service.
- 4) The management shall act upon the recommendations of the ICC / IC within the period of sixty (60) days from the receipt of the recommendations.

Note: - For the purpose of making an inquiry, the ICC/ IC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely: -

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of document(s); and
- (c) Any other matter which may be prescribed.

RELIEF DURING PENDENCY OF INQUIRY

During the pendency of an inquiry, on the written request made by the aggrieved woman, the ICC / IC may recommend to the employer to:

- transfer the aggrieved woman or the respondent to any other workplace; or
- grant leave to the aggrieved woman up to a period of three months (leave granted shall be in addition to the leave she would be otherwise entitled); or
- restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer.

APPEAL

The aggrieved woman may prefer an appeal to the court or tribunal against the recommendations made by the ICC / IC within a period of ninety (90) days of the recommendations if –

- a) the allegations against the respondent has not proved; or
- b) action and deduction against respondent is not up to the expectation of the aggrieved; or
- c) the ICC / IC arrived at a conclusion that allegation against respondent is malicious; or complainant or any other person made false complaint against respondent; or complainant any other person produced forged or misleading documents; during the inquiry any witness has given false evidence or produced any forged or misleading documents; or
- d) when the person with the duty to handle or deal with the complaint, the inquiry or recommendations makes known the contents of the complaint and the inquiry proceedings; or
- e) non- implementation of such recommendation

DUTIES OF EMPLOYER (Management of the workplace)

- It shall provide safe working environment at the workplace which shall also include safety from the person coming into contact at the workplace;
- It shall 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;
- It shall display at conspicuous place in the workplace, the penal consequences of sexual harassment; and the order in constituting the ICC / IC;
- It shall declare the names and contact details of all the Members of the ICC / IC;
- provide necessary facilities to the ICC / IC for dealing with the complaint and conducting an inquiry and make available such information to the ICC / IC as it may require having regard to the complaint;
- It shall provide assistance to the aggrieved if she so chooses to file a police complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force ;
- It shall assist in ensuring the attendance of the respondent and witnesses before the ICC / IC as the case may be;
- It shall also initiate action under the Indian Penal Code or any other law for time being in force, against a perpetrator, where the perpetrator is not an employee of the workplace and there is complaint of Sexual Harassment against the said perpetrator in the workplace where the harassment took place ;
- It shall ensure that the recommendation of ICC / IC has been duly complied,
- It shall ensure confidentiality and non-disclosure of the content of complaint; the identity and addresses of the complainant, respondent and witnesses; any information relating to the conciliation, inquiry proceedings, recommendations of ICC / IC or action taken by the employer or District Officer;
- It shall carry out orientation programs and seminars for the Members of the ICC / IC;
- It shall carry out employees' awareness amongst employee on material of sexual harassment at regular intervals;
- It shall ensure that the meetings of ICC / IC is conducted as and when required;
- It shall ensure that the said policy is being implemented in letter and spirit;
- It shall ensure the timely submission of annual report by the ICC / IC.

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ANNUAL REPORT

The ICC/IC shall prepare an annual report in each calendar year and submit the same to the employer and the District Officer. The report must include the followings:

- a) number of complaints of sexual harassment received in the year;
- b) number of complaints disposed off during the year;
- c) number of cases pending for more than ninety days;
- d) number of workshops or awareness programme against sexual harassment carried out;
- e) nature of action taken by the employer or District Officer.

DISCLAIMER

Section 16 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 - Prohibition of publication or making known contents of complaint and inquiry proceedings.

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint filed, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC / IC and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Section 17 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 read with Rule 12 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. - Penalty for publication or making known contents of complaint and Inquiry proceedings

The Employer has a right to recover a sum of five thousand rupees or such other sum as may be notified from time to time as penalty from any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the Act, contravenes the provisions of Section 16 of the Act.

MODIFICATION AND REVIEW OF THE POLICY

The HR Department of the Company reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements in India, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the Company from time to time and any such alterations or amendment or rescinding will be intimated to the employees. The HR Department in consultation with the management is responsible for enforcing and determining the Policy.

ANNEXURE 'A'

POSH - INTERNAL COMPLIANT COMMITTEE (ICC) / INTERNAL COMMITTEE (IC)

Sr. No.	Name of ICC / IC Member	Designation	Email Id	Contact Nos
1	Ms. Shobha Bhansali	Presiding Officer	sbhansali@infinityitpark.com	9831247383
2	Ms. Sonali Kolay	Internal Member	skolay@infinityitpark.com	9831987825
3	Mr. Arindam Chandra	Internal Member	achandra@infinityitpark.com	9830718579
4	Ms. Sharda Radhakrishnan	External Member	chhara.sharda@gmail.com	9830211138

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