

3P INVESTMENT MANAGERS PRIVATE LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH POLICY)

Version- Second

Policy Owner- Sharad Mohnot

Approved By- Board of Directors

Approved Date- November 15, 2023

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1. INTRODUCTION

Sexual Harassment (*defined below*) at workplace results in violation of the fundamental rights of a woman:

- (a) to equality under Articles 14 and 15 of the Constitution of India ("**Constitution**");
- (b) to life and to live with dignity under Article 21 of the Constitution; and
- (c) to practice any profession or to carry on any occupation, trade or business under Article 19(1)(g) of the Constitution, which includes a right to a safe environment free from Sexual Harassment.

2. POLICY STATEMENT:

- 2.1. 3P Investment Managers Private Limited ("**Company**") is committed to provide equal employment opportunities and to create as well as maintain a healthy working environment that enables Employees (*defined below*) to work without fear of prejudice, gender bias and harassment, without regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin, or disability. The Company also believes that all Employees of the Company have the right to be treated with dignity. Sexual Harassment at the Workplace (*defined below*) or other than Workplace is a grave offence and is therefore, punishable.
- 2.2. This policy on prevention of Sexual Harassment ("**Policy**") has been framed in accordance with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (collectively referred to as "**the Act**"). Accordingly, while the Policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail over this Policy, in case of any conflict. If any aspect relating to Sexual Harassment not explicitly covered in this Policy is provided for by the law, then the law will be applicable.

3. SCOPE

- 3.1. In accordance with the Act, this Policy will extend to:
 - (a) Employees of the Company;
 - (b) Others who are not Employees of the Company, such as customers, visitors, vendors, suppliers, contract worker, probationer, trainee, apprentice or called by any other such name, but are subjected to Sexual Harassment at the Workplace.

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3.2. This Policy is deemed to be incorporated in the service conditions of all Employees.

4. DEFINITIONS

4.1. For the purposes of this Policy:

- (i) **"Aggrieved Woman"** in relation to the Workplace means a woman, of any age whether employed or not by the Company, who alleges to have been subjected to any act of Sexual Harassment by the Respondent (*defined below*).
- (ii) **"Complaint"** means an allegation of Sexual Harassment submitted in writing to the Committee (*defined below*) in accordance with this Policy.
- (iii) **"Complainant"** means any Aggrieved Woman who makes a Complaint alleging Sexual Harassment under this Policy, or if the Aggrieved Woman is unable to make a Complaint on account of her physical or mental incapacity or death or otherwise, any person who makes a Complaint alleging Sexual Harassment under this Policy.
- (iv) **"Employee(s)"** means a person employed at the 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 Company, 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. In case an allegation of Sexual Harassment is made against a contract worker, the Company will work with the direct employer of the Respondent to decide how the matter should be dealt with.
- (v) **"Respondent"** means a person against whom the Aggrieved Woman has made a Complaint.
- (vi) **"Sexual Harassment"** has the meaning ascribed to it in Clause 5 below.
- (vii) **"Third Party(ies)"** means any person other than an Employee, who is associated with the business of the Company, including but not limited to the agents, contractors, vendors, consultants, service providers, or customers of the Company.

- (viii) **“Victimize”** means any action taken in form of retaliation by an Employee / Third Party or a group of Employees / Third Parties, or the Company or its management against the Complainant who has reported incident(s) of Sexual Harassment in good faith. This is not only limited to the Complainant but also anyone who has participated in the proceedings to redress an alleged incident of Sexual Harassment as a Witness.
- (ix) **“Witness”** means any individual who has been called upon by either the Complainant, Respondent, or the Committee to report his/her statements as a part of the inquiry proceedings.
- (x) **“Workplace”** means and includes: (i) the registered office of the Company, along with other such branches, locational offices, departments or units, if any; (ii) virtual offices or work from home; (iii) any physical or digital space provided by the Company where an Employee is connected to work, be it home, coffee shop or a hotel room (including any Company provided telecom or communication channels, including phone, email, video/audio conference tools, collaboration tools, etc.); (iv) any social, business or other events related to the Company’s work where any conduct or comment may have adverse impact on the workplace or workplace relations; and (iv) any place visited by the Employee arising out of or during the course of employment and includes transportation provided by the Company for undertaking such journey.

- 4.2. It is hereby clarified that words and expressions used in this Policy but not defined will have the same meaning as assigned to it under the Act.

5. DEFINITION AND SCOPE OF SEXUAL HARASSMENT

- 5.1. **“Sexual Harassment”** refers to behaviour that is unwelcome, personally offensive and that debilitates morale and, therefore, interferes with work effectiveness. It is a form of assault that can manifest itself in terms of physical or psychological acts. Sexual Harassment includes (whether directly or by implication) the following acts, either occurring individually or as a combination of individual acts at the Workplace:

- (a) Unwelcome physical contact and advances such as touching, stalking, making sounds which might have implicit/explicit sexual connotation/overtones;
- (b) A demand or request for sexual favours;

- (c) Making sexually coloured remarks including but not limited to vulgar/indecent jokes, innuendos or taunts, letters, phone calls, text messages, e-mails with a sexual message or sexually suggestive gestures;
 - (d) Showing pornography or something similar in nature;
 - (e) Display of signs, pictures etc. which are of sexual nature/connotation/overtone;
 - (f) Any form of virtual communication (emails, SMS, MMS, chats) that is sexual or inappropriate in nature;
 - (g) Verbal or non-verbal communication which offends the Complainant's sensibilities and affects her performance and has sexual connotation/overtone; or
 - (h) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- 5.2. In addition, the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of Sexual Harassment may amount to Sexual Harassment:
- (a) Implied or explicit promise of preferential treatment in a woman's employment; or
 - (b) Implied or explicit threat of detrimental treatment in a woman's employment; or
 - (c) Implied or explicit threat about present or future employment status; or
 - (d) Interference with a woman's work or creating an intimidating or offensive or hostile work environment for a woman; or
 - (e) Humiliating treatment likely to affect a woman's health or safety.
- 5.3. No woman will be subjected to Sexual Harassment at any Workplace. Sexual Harassment in the Workplace is completely prohibited whether it involves co-worker harassment, harassment by a manager, applicants for employment, temporary agency personnel and contractors, customers or vendors, or harassment by or of persons doing business with or for the Company.
- 5.4. The overall conduct of a Respondent with respect to the Aggrieved Woman will be determined rather than whether a particular instance was intentionally offensive or not. Further, Sexual Harassment by electronic means, including mobile, internet, social media, will also constitute Sexual Harassment under this Policy.
- 6. INTERNAL COMMITTEE**
- 6.1. In accordance with the Act, the Internal Committee ("**Committee**") will consist of at least 4 (four) members to be nominated by the Company's management, in the following manner:

- (a) The presiding officer of the Committee will be a senior level woman Employee of the Company. In case the other offices or administrative units of the Company do not have a senior level woman employee, the presiding officer will be nominated from any other office or other department of the Company;
 - (b) At least 2 (two) members of the Committee will be nominated from amongst the Employees, who will preferably be persons who are committed to the cause of women or have experience in social work or have legal knowledge;
 - (c) 1 (one) member of the Committee will be appointed from amongst non-governmental organizations or associations committed to the cause of women, or any person familiar with the issues relating to Sexual Harassment ("**External Member**"); and
 - (d) At least 50% (fifty percent) of the members of the Committee will be women.
- 6.2. The Committee will arrange to conduct workshops and awareness programs for Employees at regular intervals for sensitizing and educating the Employees with the provisions of the Act and the procedures and rules to be followed by Employees at the Workplace.
- 6.3. The Committee will meet periodically to discuss and deliberate on the matters under POSH Act, as required.
- 6.4. The names and contact details of the members of the Committee are displayed on the notice board at the office premises of the Company and on the Company intranet / portal that is accessible to all Employees.
- 6.5. The presiding officer and every member of the Committee shall hold office for a period not exceeding 3 (three) years from the date of their nomination.
- 6.6. The member appointed from amongst the non-government organisation or association will be paid fees or allowance for holding the proceedings of the Committee in accordance with the Act, by the board of directors of the Company ("**Board**").
- 6.7. The Board may, upon providing sufficient reasons in writing, change the constitution of the Committee by removing any member(s) and/or appointing new member(s) at any time in

accordance with the provisions of this Policy or the Act. The members of the Committee can be removed on grounds including but not limited to:

- (a) Contravention of any provisions of this Policy and/or the Act; or
 - (b) Contravention of the obligation to maintain confidentiality; or
 - (c) Conviction for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
 - (d) Found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
 - (e) Abused his/her position as to render his/her continuance in office prejudicial to the public interest.
- 6.8. Any vacancy in the Committee created due to cessation of employment, resignation, death, disability or removal, as applicable, will be filled by a fresh nomination by the Company.
- 6.9. The powers of the Committee will be 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 documents; and
 - (c) Any other matter which may be prescribed as per applicable laws.

7. COMPLAINT PROCESS

7.1. Raising a Complaint

- 7.1.1. A written Complaint must be filed by the Aggrieved Woman with the Committee within 3 (three) months of occurrence of the alleged incident, and in case of a series of incidents, within a period of 3 (three) months from the date of occurrence of the last incident. This period can be further extended by a period of 3 (three) months at the discretion of the Committee in the event the circumstances were such which prevented the Complainant from filing the Complaint within the prescribed time. The reasons for an extension will be recorded in writing by the Committee in its final report.

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- 7.1.2. The Complainant can either file physical copies of the Complaint through a sealed envelope or send it through an email to the Committee or any member of the Committee. If in physical form, the Complainant will be required to submit 6 (six) copies of the Complaint to the Committee.
- 7.1.3. In case a Complaint cannot be made in writing, the presiding officer or any member of the Committee shall render all reasonable assistance to the Aggrieved Woman for making the Complaint in writing.
- 7.1.4. Where the Aggrieved Woman is not able to make a Complaint on account of her physical incapacity, the following persons may file the Complaint on her behalf:
- (a) Her relative or friend; or
 - (b) Her co-worker; or
 - (c) Any 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.
- 7.1.5. Where the Aggrieved Woman is not able to make a Complaint on account of her mental incapacity, the following persons may file the Complaint on behalf of her:
- (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 anyone of the abovementioned persons.
- 7.1.6. 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.
- 7.1.7. 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.
- 7.1.8. The Aggrieved Woman is required to disclose her name, department, division, and location she is working in, to enable the Committee to contact her and take the matter forward.

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- 7.1.9. Along with the Complaint, the Aggrieved Woman shall also submit any and all supporting documents and the names and addresses of the Witnesses, if any. The Committee shall forward a copy of the Complaint to the Respondent within 7 (seven) working days and the Respondent shall file his reply along with supporting documents and the names and addresses of the Witnesses, if any, within a period not exceeding 10 (ten) days from the date of receipt of the documents from the IC.
- 7.1.10. On receipt of the Complaint, the presiding officer and the external member will evaluate, if any of the members of the Committee are involved in or closely connected with the Complaint so as to result in a conflict of interest with the parties involved. In the event of a conflict of interest, the presiding officer and the external member may ask the Company to replace such members on the Committee, for the purpose of investigation into the relevant Complaint.
- 7.2. **Conciliation**
- 7.2.1. At the request of the Aggrieved Woman, the Committee may allow conciliation of the Complaint between Aggrieved Woman and the Respondent. It may be noted here that monetary settlement shall not be the basis of such conciliation. Upon such settlement being arrived at, the Committee shall: (a) record such settlement; (b) forward the same to the management of the Company to take action as specified in the recommendation of the Committee; (c) provide copies of the settlement to the Aggrieved Woman and the Respondent; and (d) not conduct further inquiry into the Complaint.
- 7.2.2. Where the Respondent is an Employee and no settlement is arrived at between the Aggrieved Woman and the Respondent, the Committee will proceed to make an inquiry into the Complaint in accordance with the principles of natural justice as contained in Clause 7.3 below. If the terms of the settlement have not been complied with, the Committee will also proceed to make an inquiry in terms of Clause 7.3 below.
- 7.2.3. The Committee will maintain documentation of Complaints that have been addressed through conciliation.
- 7.2.4. The documentation handled by the Committee pertaining to the proceedings at both formal and informal inquiries will be handled with the utmost confidentiality. The Complainant, the

Respondent, members of the Committee, the Witness(es) and any other person involved in these proceedings will also be obligated to maintain confidentiality regarding the proceedings.

7.3. Inquiry Into a Complaint

- 7.3.1. If no settlement is arrived under Clause 7.2 above, or if the Complainant is not satisfied with the outcome of the conciliation, a formal resolution or inquiry into the Complaint shall be conducted by the Committee. In conducting an inquiry, a minimum of 3 (three) members, including the presiding officer of the Committee will be present (in-person or via video conference / telephonic media).
- 7.3.2. During the inquiry into a Complaint, it is the impact or effect on the Complainant along with the behaviour of the Respondent, and not the intent of the Respondent that is critical in the review of the case by the Committee.
- 7.3.3. Within the abovementioned period of 7 (seven) working days from the initial Complaint, the Committee shall forward a copy of the Complaint to the Respondent and give the Respondent an opportunity to submit a written explanation.
- 7.3.4. The Respondent will have an opportunity to submit a written response, along with a list of documents, names and addresses of the Witnesses, dates and events, and any other relevant information if any, to the Committee or make an oral representation in response to the contents of the Complaint within 10 (ten) days of receipt of the Complaint under Clause 7.3.3.
- 7.3.5. In the event the Committee concludes that *prima facie* the Complaint does not fall within the purview of Sexual Harassment, it will forward the Complaint to the relevant adjudicating body under the Act.
- 7.3.6. The Committee shall make inquiry into the Complaint in accordance with the established principles of natural justice. The Committee shall complete its inquiry within 90 (Ninety) days from receipt of Complaint and an inquiry report shall be issued accordingly within the stipulated period.
- 7.3.7. An opportunity of being heard shall be given to both parties and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

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- 7.3.8. The Committee shall have the right to terminate the inquiry proceeding or give *ex-parte* decision in respect of the Complaint, if the Aggrieved Woman or the Respondent fails, without sufficient cause to present herself or himself for 3 (three) consecutive hearings convened by the Committee. Provided that, such termination or *ex-parte* order may not be passed without giving a notice in writing, 15 (fifteen) days in advance, to the party concerned.
- 7.3.9. No party shall be allowed to bring in any legal practitioner to represent them at any stage before the Committee.
- 7.3.10. While conducting the inquiry, the Committee shall call upon such Witnesses as it may deem appropriate. The Complainant and the Respondent will have the right to submit a list of Witnesses.
- 7.3.11. The Complainant and the Respondent will both appear either in person or virtually through audio/video conferencing facility, as the members of the Committee may deem fit.
- 7.3.12. Subject to Clause VIII (Confidentiality), the Complainant and the Respondent will have the right to lead evidence and the right to cross-examine Witnesses of the other party, as the case may be.
- 7.3.13. Minutes of every meeting of Committee will be recorded.

7.4. Interim Reliefs

The Committee is empowered to recommend to the Company, at the written request of the Complainant, interim measures such as:

- (a) Transfer of the Aggrieved Woman, Complainant or the Respondent to another Workplace;
- (b) Grant of leave to the Aggrieved Woman or Complainant up to a period of 3 (three) months in addition to her / his regular statutory / contractual leave entitlement;
- (c) Restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report and assign the same to any other officer of the Company; or
- (d) Such other relief as may be prescribed in the applicable law, or as the Committee deems fit.

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7.5. Action after Inquiry

7.5.1. On completion of the inquiry within the prescribed time, a written/ electronic inquiry report with the findings and recommendations shall be submitted to the Board within a period of 10 (ten) days from the completion of the inquiry and such report shall also be made available to the concerned parties.

(a) **In the event the allegation is not proven:** The Committee shall not recommend any action to be undertaken by the Company.

(b) **In the event the allegation stands proven:** The Committee shall recommend action to be taken by the Company against the Respondent within 60 (Sixty) days for Sexual Harassment as a misconduct. These actions may include, without limitation, the following:

i. The Committee may recommend taking the following actions:

- Seek a written apology from the Respondent;
- Issue a warning to the Respondent;
- Reprimand or censure the Respondent;
- Withhold the promotion of the Respondent;
- Withhold the pay rise or increments of the Respondent;
- Terminate the Respondent from service;
- Instruct the Respondent to undergo a counselling session; and/or
- Instruct the Respondent to undertake community service.

ii. Deduction from the salary / wages of the Respondent such sum that the Committee considers appropriate to be paid to the Aggrieved Woman or to her legal heirs. The determination of amount of compensation to be paid to the Aggrieved Woman would be based on the following factors:

- Mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman;
- The loss in the 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; and
- Feasibility of such payment in lump sum or in instalments.

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- (c) **In the event the Complaint is false / malicious or the evidence is false:** The Committee may recommend to the Company to take any actions as mentioned in Clause 7.5.1 above in relation to the Complainant or to any concerned person.

- 7.5.2. In case the Committee finds the degree of offence to be coverable under the Indian Penal Code, 1860, the Committee shall take appropriate action for making a police complaint.
- 7.5.3. Upon the recommendation received from the Committee, the Company shall act within 60 (sixty) days from the date of receipt of the report of the Committee.
- 7.5.4. Any Employee who is not satisfied with the decision of the Committee may file an appeal with the prescribed appellate authority within a period of 90 (ninety) days from the date of recommendations.

8. CONFIDENTIALITY / PROHIBITION OF PUBLICATION

- 8.1. The contents of the Complaint, the identity and address of the Aggrieved Woman, Respondent and Witness(es), any information relating to conciliation and inquiry proceedings, recommendations of the Committee, and the action taken by the Company shall not be published, communicated, or made known to the public, press and media in any manner. The Company shall be entitled to recover a sum of INR 5,000 (Indian Rupees Five Thousand only) from any person who contravenes this condition.
- 8.2. However, information may be disseminated regarding the justice administered to any Aggrieved Woman of Sexual Harassment without disclosing the name, address, identity, or any other particulars calculated to lead to identification of the Aggrieved Woman and Witnesses.
- 8.3. All records of Complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes or under applicable laws.

9. KEY DUTIES RELATING TO PREVENTION OF SEXUAL HARASSMENT

- 9.1. The Company encourages Aggrieved Woman to promptly notify the Respondent that his/her act is unwelcome, and that it creates a hostile work environment for themselves and others.

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- 9.2. Sexual Harassment will be treated as a misconduct, that is dishonourable, detrimental, and discreditable to the reputation of the Company and can lead to severe consequences, as set out in this Policy, including dismissal from service.
- 9.3. The Company, as required under applicable laws, may organize (in-person/online) workshops and awareness programmes at regular intervals in accordance with the Act, for sensitizing the Employees and orientation programmes/capacity-building programmes for the members of the Committee. Each such workshop/programme will be conducted to educate/spread awareness about the laws relating to Sexual Harassment as well as training on procedures and rules to be followed by Employees/ Committee at the Workplace.
- 9.4. A copy of this Policy will be provided to all Employees and will also be placed on Company's website to which all the Employees have access.

10. PROTECTION OF COMPLAINANT AND WITNESSES FROM RETALIATION

The Company is committed to ensuring that no Employee or Witness who brings forward a Sexual Harassment concern or testifies is subject to any form of retaliation.

Any Employee who retaliates against anyone who has reported in good faith, a Sexual Harassment claim, will be subject to disciplinary action, which may include dismissal. Any reprisal will be considered a separate case of harassment. Anyone who abuses this procedure (for example, by maliciously putting an allegation knowing it to be untrue) would also be subject to disciplinary action including dismissal from service, employment, or engagement (as the case may be).

In the event that the Complainant or any Witness of the Complainant is being supervised by the Respondent or any of their Witnesses, then such reporting assignments may be changed to the extent possible by the Company.

The Company will not Victimize or discriminate against a Complainant or Witnesses while dealing with Complaints of Sexual Harassment.

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11. POLICY REVIEW

This Policy may be amended, modified, or supplemented from time to time to ensure compliance with any modification, amendment or supplementation to the laws relating to Sexual Harassment, including but not limited to the Act, any notifications and directions issued by Ministry of Law and Justice or under any other law applicable, from time to time. The Committee may issue /implement such guidelines, procedures, formats and/or reporting mechanisms to enforce this Policy as it may deem fit. Any such alterations / modifications / supplementations will be intimated to the Employees.

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