



# **Executive Centre India Limited**

**Policy Under Sexual Harassment of women at the workplace (Prevention,  
Prohibition and Redressal) Act 2013 (“POSH Policy” or “Policy”)**

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## 1. Introduction

Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act 2013 ("POSH Act 2013" or "Act") lays down guidelines to prevent, prohibit sexual harassment of women happening at the workplace.

It also seeks to provide a forum for the redressal of complaints.

Executive Centre India Limited<sup>1</sup> ("TEC" or "the Company"), as an organization, seeks to follow the guidelines laid down by the POSH Act 2013.

This Policy has been drafted to ensure that all employees, have a harassment free workplace and feel safe in the work environment.

It is the right of every individual working with TEC to work with dignity and this policy will lay down guidelines which discourage practices that violate the values and culture of TEC.

## 2. Scope, Applicability and Responsibility

These guidelines are applicable to all employees of TEC- India, Colombo & Dubai. Human Resources to assist in implementation of this policy and provide administrative support.

TEC has 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 to all individuals in the workplace.

This commitment includes maintaining a work environment free from sexual harassment. The Company strongly supports the spirit and intent of the law.

The POSH Policy has been drafted as per the provisions of POSH Act 2013 and rules made thereunder, which currently covers prohibition and prevention of sexual harassment of women. The Policy is subject to changes in order to align with the future amendments in the said Act.

This policy seeks to:

- ✓ Promote a culture based on equality and respect
- ✓ Provide a safe, collaborative, and congenial work environment for employees and members to interact.
- ✓ Create awareness and sensitization about sexual harassment at the workplace
- ✓ Take effective measures to prevent and prohibit sexual harassment at the workplace.
- ✓ Provide for the formation of the Internal Committee at various locations to provide redressal for complaints of sexual harassment of women at the workplace.
- ✓ Ensure protection against retaliation to the parties to complaints, and those involved in prevention and complaint resolution

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<sup>1</sup> The name of the "Company" changed from "**Executive Centre India Private Limited**" to "**Executive Centre India Limited**" pursuant to conversion of the Company from a Private Limited company to a Public Limited company effective from 04 June 2025.

### 3. Definitions

For the purpose of this Policy, the definitions and meanings shall be considered as provisioned under the Act or as mentioned hereunder:

#### **3.1. Aggrieved woman** means

- in relation to a 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.
- in relation to a dwelling place or house - a woman of any age employed in such a dwelling place or house.

#### **3.2. Complainant** means a person who has lodged a complaint under this Policy or any person mentioned under this Policy

#### **3.3. Respondent** means a person against whom the aggrieved woman has made a complaint. It could be a man, woman, or a person from the third gender

#### **3.4. Employee** means a person employed or engaged on a retainer basis at a workplace for

- any work on regular, temporary, ad hoc or daily wages basis,
- either directly by the TEC 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.

#### **3.5. 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 HR Head

#### **3.6. Workplace** includes –

- i. any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit established, owned, controlled, or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government or a corporation or a co-operative society.
- ii. 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.
- iii. Hospitals or nursing homes.
- iv. Any sports institute, stadium, sports complex, or competition or games venue, whether residential or not used for training, sports, or other activities relating thereto.

- v. any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey.
- vi. a dwelling place or house.

In addition to the places mentioned above, workplace includes the following places hereinafter termed as "**extended workplaces.**"

- i. **Places visited by an employee or a member during the course of her employment** – These include visits to another member's office or home or attending conferences, exhibitions, workshops, etc.
- ii. **Transportation provided by TEC** or their employees, contractors,
- iii. **Business Travel**
- iv. **TEC sponsored entertainment/events** - offsites, parties, picnics, educational trips, etc
- v. **Digital workspaces**- virtual meeting rooms, email, telephone calls, video calls, messages, etc
- vi. **TEC provided accommodation** or amenities.

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

- a. **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.
- b. **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 TEC related activity.
- c. **Sexually colored remarks** include
  - eve-teasing,
  - innuendoes,
  - taunts,
  - 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 TEC.

**d. Showing pornography**, which includes showing or displaying sexually explicit pictures.

This includes the sharing of sexually explicit pictures or videos through any electronic medium.

**e. Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature** which includes

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

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

**f. Third-party harassment-** Sexual harassment is caused by a third party (not an employee of the organization) - for example, an employee of a business partner or a client or a vendor or a consultant or any other person with whom the employee is interacting with for work purposes.

**g. 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.

Note: 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 women feel uncomfortable
- It must happen 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.

**3.8. Internal Committee** means the committee constituted by the TEC as per the provisions of the Act.

#### 4. [Prevention 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:

##### **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;

#### 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.

### 5. Constitution of the Internal Committee (“Internal Committee”, “IC” or “Committee”)

#### 5.1. Structure of the Committee - The committee at each location comprises of:

- Presiding Officer**- A woman employed at a senior level in the 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 committed to the cause of women or
  - a person familiar with handling complaints of sexual harassment.

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

#### 5.2. Names of Current IC members:

Locations	Presiding Officer	Member1	Member2	External Member
Mumbai	Sonia Lobo	Aparna Sharma	Karan Malhotra	Dr Sandya Advani
Pune	Sonia Lobo	Salome N	Karan Malhotra	
Bangalore	Sonia Lobo	Madhavi Menon	Manish Khedia	
Hyderabad	Sonia Lobo	Madhavi Menon	Manish Khedia	
Chennai	Sonia Lobo	Silky Mittal	Manish Khedia	
Delhi & Gurgaon	Sonia Lobo	Deepti J.	Rajat Kapur	

#### 5.3. 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 format as may be prescribed from time to time.

The IC nominated employees, and the External member will review all cases of sexual harassment reported within TEC and shall submit the same to IC for redressal.

**5.4. Term:** The Presiding Officer and every Member of the IC shall hold office for such period, not exceeding three years, from the date of their nomination. Provided that the exiting members of the IC will continue to hold office till the new IC is constituted.

**5.5. Quorum:** A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer and at least two other members, one of whom shall be a woman.

**5.6. Entry/Exit of IC member:** If an IC member ceases to be an employee/member of TEC 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.

**5.7. Removal of IC member:** The Presiding Officer or any member of the IC shall be removed under the following circumstances:

- In case of contravention of sec 16 of the Act on confidentiality.
- If he/she has been convicted for an offense or an inquiry into an offense under any law for the time being in force is pending against him/her.
- In case he/she has been found guilty in 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.

The vacancy so created shall be filled in by a fresh nomination.

## **6. [Complaint Redressal Mechanism](#)**

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

### **6.1. 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 IC provided by TEC.



## 6.2. Time period for filing the complaint:

- a) In case of an incident- within a period of 3 months from the date of the incident
- b) In case of a series of incidents – within a period of 3 months from the date of the last incident
- c) 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.

## 6.3. 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** – (Against whom the complaint is being filed?)
- ✓ **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)

## 6.4. 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 (if any) and addresses.
- **By email** - The Complainant may send all the necessary documents by email to the IC. The email id is posh\_ic@executivecentre.com.

## 6.5. What can be done in case the Complainant is unable to make the complaint in writing?

- a) 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,
  - Co-worker or an officer of the National Commission for Women or State Women's Commission or
  - any person who knows about the incidentwith the written consent of the Complainant
- b) 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.
- c) 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.
- d) 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.
- e) 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.

## **6.6. Manner of dealing with the complaints**

### **6.6.1. Resolution procedure**

- On receipt of the complaint, the Committee member 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 along with supporting documents and list of witnesses, if any received from the aggrieved woman to the Respondent within 7 working days.
- Respondent shall file his/her reply and supporting documents and list of witnesses he relies upon to prove his innocence within a period of 10 working days of receipt of the complaint copy.

### **6.6.2. 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 a complaint 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 TEC 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.

### **6.6.3. When can Internal Committee refuse Conciliation**

- No request has been made by the aggrieved woman for conciliation. Conciliation is initiated at the request of the Complainant

- In case of monetary settlement – If the internal Committee becomes aware that money is being exchanged to settle the matter, it may not permit Conciliation.
- In case 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.

#### **6.6.4. 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 go ahead with an inquiry in the matter.

#### **6.6.5. Time for implementation**

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

### **7. 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 the parties separately.
- Listen, look at the 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 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.
- If necessary, IC will take testimonies of other relevant persons and review the evidence wherever necessary.
- IC may request for documents or information from other parties where deemed necessary.
- Give both the parties an opportunity of being heard. The inquiry procedure will ensure absolute fairness to all parties.
- The committee will conduct the inquiry as per the principles of natural justice.
- 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.

#### **7.1. Interim relief**

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

- Transfer the Complainant or the Respondent to any other workplace
- Grant leave to the aggrieved woman of a maximum of 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 to maintain a conducive work atmosphere.

The relevant personnel will inform the Internal Committee once he/she has implemented the interim relief recommended.

## **7.2. 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, 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.

## **7.3. Considerations while preparing an inquiry report**

While preparing the findings/recommendations, the following are considered:

- Whether the allegations or events follow logically and reasonably from the evidence obtained during the inquiry.
- Whether the statements of the Complainant, Respondent, witnesses, and evidence are credible
- Whether there have been other similar incidents or complaints in the past against the Respondent.
- Whether both parties have been given an opportunity of being heard.
- Whether both parties have been provided with a copy of the proceedings enabling them to make representation against the findings.
- Whether a copy of the final findings is shared with the Complainant and the Respondent to allow them to represent the committee's findings.

The standard of proof would be on the balance of probability whether or not the incident of sexual harassment took place.

The recommendation so made would be on the principle of proportionality. The recommendation of punishment made would be as per the seriousness of the offense.

## **7.4. 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 management of TEC. A copy of the Report and recommendation will also be provided to the Complainant and the Respondent. The complaint will be treated as closed.

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

#### **7.5. If the charge has been proved**

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

##### **7.5.1. Disciplinary penalty**

- Counselling
- Censure or reprimand
- Apology to be tendered by Respondent
- Written warning by HR
- Withholding promotion and/or increments where applicable.
- Termination of services
- Community Service

##### **7.5.2. Financial Penalty**

Deduct from the Respondent's salary, an amount it may consider appropriate to be 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.

##### **7.5.3. Timeline for Implementation**

The management of TEC will then act upon the recommendations within 60 days and confirm to the Internal committee that the recommendations have been implemented.

##### **7.5.4. 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

##### **7.5.5. 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 TEC.

##### **7.5.6. 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 the false statement or furnished the false evidence.

#### 7.5.7. 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.

#### 7.5.8. 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 IC 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,

The IC will recommend to take such action, as it may deem fit against the complainant, respondent or against the person who has deposed falsely or produced a forged document intending to mislead the IC in their inquiry.

### 8. [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 Act and rules, within 90 days of the recommendations being communicated.

### 9. [Preventive Action](#)

TEC 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

### 10. [Obligations of TEC](#)

TEC 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 recommendations of IC.

### 11. [Third-Party Harassment](#)

In case of sexual harassment by a third-party, IC will actively assist and provide its resources to the Complainant in pursuing the complaint as per the laws prevailing in the country, e.g., under the Indian Penal Code or any other Acts for the time being in force.

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

### 12. [Confidentiality](#)

TEC 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 in the course of the inquiry process, recommendations of the committees, and action taken by TEC 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.

13. [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.

14. [Changes in the Policy](#)

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

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