

Policy on Prevention of Sexual Harassment of Women at Workplace (POSH)

Version 2.0

Policy Version	Date of Board approval	Effective Date
Version 1.0	May 20, 2022	May 20, 2022
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1. Purpose & Scope

This policy applies to all employees, directors, trainees, consultants, and associates (“collectively or individually referred to “Personnel”) of One 97 Communications Limited, that of all its affiliates and subsidiaries who have formally adopted this policy (hereby collectively referred to as ‘Paytm’ or ‘Company’). It also includes contractors. This Policy is deemed to be incorporated in the service conditions of all Personnel of the Company in India. (Local country laws will take precedence over this Policy where applicable.)

2. Introduction

All Personnel at the Company are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with stakeholders. This means that the Personnel have a responsibility to:

- Treat each other with dignity and respect
- Follow the law of the land
- Refrain from any unwelcome behavior that has a sexual connotation
- Refrain from creating a hostile atmosphere at workplace attributable to sexual harassment
- If subjected to discomfort or upon perception of any sexual harassment, they should notify any colleague, peer or manager
- Report sexual harassment experienced and/or witnessed to Manager, HR or Internal Complaints Committee and abide by the complaint handling procedure of the Company

The fundamental objective of enunciating the Policy on Prevention of Sexual Harassment of Women at Workplace (“Policy”) is to set out guidelines and procedures with regard to prevention of sexual harassment at workplace. Separately, our Code of Conduct states that the Company does not approve of discrimination in employment based on race, religion or sex and is committed to providing a work environment that is transparent in its conduct, being fair and non- discriminatory.

This Policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter collectively “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 in the event of any conflict between the provisions of this Policy and the Act, the provisions of the Act shall prevail.

This policy provides the framework for protection against sexual harassment of women at workplace, the prevention and redressal of complaints of sexual harassment and matters related to it.

The Company discourages malicious allegations, since they can harm the sanctity of the process and the reputation of the Respondent.

3. Definitions

Sexual harassment occurs when a person uses sexual behavior to control, influence or adversely affect the work environment, career, salary or job prospects of another person. It may also occur between a Personnel and someone that the Personnel deals with in the course of his/her work, whether employed by the Company or not.

“**Sexual Harassment**” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but is not limited to the following.

3A. What is Sexual Harassment?

Any unwelcome sexually determined behavior, or pattern of conduct, that causes discomfort and/or humiliates a person at whom the behavior or conduct was directed. This includes:

1. Any unwelcome sexual advances or requests for sexual favours involving verbal, non-verbal, or physical conduct (implicit or explicit) or physical harassment of a sexual nature at the workplace;
2. Inappropriate physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and/or implicit sexual connotations/overtones, or molestation;
3. Teasing, voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and/or touching against one’s will or any such act likely to intrude upon one’s privacy, persistent watching, following, contacting of a person;
4. Sexually colored remarks or remarks of a sexual nature about a person's clothing, appearance or body;
5. Display of pictures, signs etc. of sexual nature/connotation/overtones in the work area and work-related areas;
6. Showing pornography, making, posting or sharing vulgar/indecent/ sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS/instant messaging apps, messages, gestures etc.;
7. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes;
8. Giving gifts or leaving objects that are sexually suggestive.

3B. What Actions Tantalize Sexual Harassment?

It is important to note that whether sexual harassment has occurred or not does not depend on the intention of the persons involved but on the experience of the aggrieved woman. Any alleged act of sexual harassment committed during or outside of office hours falls under the purview of this Policy.

Sexual harassment at workplace, covered under POSH policy, can occur if any one or more of the following circumstances were to occur or be present in relation to any sexually determined act or behavior,

1. Implied or explicit promise of preferential treatment in employment;
2. Implied or explicit threat of detrimental treatment in employment;
3. Implied or explicit threat about the present or future employment status;
4. Interference with the person’s work or creating an intimidating or offensive or hostile work environment.

3C. Key Definitions

Aggrieved Woman: 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 (as defined below).

Complainant: Any Aggrieved Woman or a person acting on behalf of an Aggrieved Woman, under due authorisation, who makes a complaint alleging sexual harassment at workplace under this Policy.

Respondent: A person against whom a complaint of sexual harassment has been made by the Aggrieved Woman under this Policy

Workplace: Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company. Places visited by the Personnel, arising out of or during the course of employment (including official events, accommodation and transportation provided by the Company for undertaking a journey for official purposes) are also construed as Workplace.

3D. Confidentiality

Matters pertaining to sexual harassment need to be dealt with the highest level of confidentiality and all information regarding the complaint and the Personnel involved is required to be maintained confidential and should be disclosed to relevant stakeholders only on a need to know basis. The identity of the Complainant, Respondent(s), Witnesses, statements and other evidence obtained in the course of the inquiry process, recommendations of the Internal Complaints Committee, action taken by the HR are considered as confidential materials, and not published or made known to the public or media.

4. Redressal Mechanism – Formal Intervention

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

4A. Internal Complaints Committee (ICC)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committee (ICC) has been appointed for the Company. (Attached as Annexure-1 to this Policy is the Internal Complaints Committee members' details). Consistent with the Act, the ICC will manage the process of inquiry and redressal of sexual harassment complaints made by the Complainant/Aggrieved Woman.

Composition of the ICC:

- Presiding Officer: A woman employed at a senior level in the organization or workplace;
- At least two members from amongst Personnel, committed to the cause of women or who have had the experience of social work or have legal knowledge;
- 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; and
- At least one half of the total members nominated, being women.

The ICC will be Responsible for:

- Receiving complaints of sexual harassment at the workplace. Prima-facie review and determine whether the complaint falls within the definition of "Sexual Harassment". In the event the ICC makes a determination that the matter does not fall within the above definition, or under its purview for inquiry, it may recommend to the Complainant or the Aggrieved Woman to file the complaint with the HR investigations team or under the Ethics hotline as appropriate. In certain situations, ICC may do a preliminary hearing to establish whether the matter falls within its scope. Subject to remedies available to the Complainant/Aggrieved Woman under law, the ICC's decision on whether or not the complaint presented falls in the purview of sexual harassment will be final.
- Initiating and conducting inquiry as per the established procedure.

- Share a report with the Complainant and the Respondent, within the timelines stipulated under the Act, setting out the conclusions pursuant to the inquiry and the recommendations.
- Coordinating with HR in implementing appropriate actions/recommendations.
- Maintaining strict confidentiality throughout the process as per established guidelines.
- Submitting annual reports in the prescribed format.

For the purpose of inquiry, the ICC may nominate a minimum of three members including the Presiding Officer and an Independent external member to represent the ICC.

4B. Lodging a Complaint

An Aggrieved Woman can make/ submit a complaint regarding sexual harassment at workplace to the ICC within a period of 3 months from the date of incident/ last incident. It is strongly recommended that the complaint be in writing. The ICC may in exceptional circumstances extend the timeline by another 3 months for reasons recorded in writing, if it is satisfied with the reasons preventing the Complainant/Aggrieved Woman from lodging the complaint within the period of 3 months from the date of incident/last incident.

Where such a complaint cannot be made in writing, the Presiding Officer or any Member of the ICC shall render all reasonable assistance to the Aggrieved Woman for making the complaint in writing.

If the Aggrieved Woman is unable to make a complaint inter-alia on account of her physical or mental incapacity, a complaint may be filed by: a. her immediate relative or friend; or b. her co- worker; or c. any person who has direct knowledge of the incident, with the written consent of the Complainant.

The complaint shall be submitted by the complainant to the ICC in writing or shall be submitted to the IC electronically, inter alia

- Reach the Internal Complaints Committee via mail at: icc@paytm.com
- The complaint can also be physically submitted to any ICC member

4C. Receiving a Complaint (Guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants or Aggrieved Women may be embarrassed and distressed and it requires tact and discretion while receiving the complaint. The following points should be kept in mind by the recipient of the complaint:

- Complaints must be heard with sensitivity and empathy and the Complainant/Aggrieved Woman must be informed that the Company takes her concerns seriously. The Complainant must be informed that these concerns will be reported to the appropriate ICC and requisite follow up will be done speedily.
- Any complaint must be reviewed with the highest standard of objectivity, without any bias or preconceived judgment or any additional information about either the Complainant or the Respondent.
- Written notes must be taken while listening to the Complainant. When taking notes, it is advisable to capture as far as possible verbatim narrative (Complainant's own words). Clear description of the incident in simple and direct terms should be prepared and details should be confirmed back with the Complainant.
- All notes must be kept strictly confidential. It is advisable to take the Complainant's agreement before proceeding with a formal investigation or sharing the matter with ICC if the Complainant has reached out to anyone outside the ICC. However, if the Complainant

- refuses and the Complainant's manager or HR SPOC believe that the matter is serious, they are required to inform the ICC who will reach out to the Complainant to seek confirmation on proceeding with an inquiry. The final decision on whether to seek an inquiry rests with the Complainant except in cases where ICC may determine that the matter does not fall under the definition of sexual harassment. If the Complainant is not willing to accord consent for the inquiry, such refusal shall be duly recorded in writing.
- Prior to initiating a formal investigation, the Complainant must be advised that although the process is confidential, the Respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the Complainant's identity.

4D. Resolution Procedure through Conciliation

- Once the complaint is received, before initiating the inquiry, the ICC may take steps to conciliate the complaint between the Complainant and the Respondent. This step can be invoked only if requested by the Aggrieved Woman/ Complainant.
- No monetary settlement can be made as part of such conciliation.
- In case a settlement is arrived at between the Aggrieved Woman and the Respondent, the ICC records and reports the same to the HR for taking appropriate action. Resolution through conciliation is required to be concluded within 2 weeks of the receipt of complaint.
- The ICC shall provide copies of the settlement to the Complainant and the Respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the ICC.

4E. Resolution Procedure through Formal Inquiry

The ICC will initiate inquiry in the following cases:

- Complaint has been received by ICC.
- ICC has prima facie determined that the matter falls under the purview of sexual harassment.
- No conciliation is requested by Aggrieved Woman.
- Conciliation has not resulted in any settlement.
- Complainant informs the ICC that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent.

5. Inquiry Procedure

5A. Manner and Procedure of Inquiry into the Complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- The ICC will hold a meeting with the Complainant within seven days of receipt of the complaint.
- At the first meeting, the ICC members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material to substantiate her complaint.
- The ICC shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the ICC will send 1 copy of the complaint to the Respondent within 7 working days of receiving the complaint. ICC will inform both parties that the complaint must be kept confidential except where either party may wish to bring in any witnesses to corroborate their submissions. In such instances witnesses are to be briefed to keep their testimony and knowledge of the matter confidential.

- Respondent 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 ICC and an opportunity will be given to the Respondent to give an explanation, where after, an inquiry shall be conducted and concluded.
- If the Complainant or the Respondent desires any witness/es to be called, they shall communicate in writing to the ICC the names of witness/es that they propose to call.
- The ICC shall call upon all witnesses mentioned by both the parties. The ICC 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 ICC, 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 ICC is to make an 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 and an Independent external member shall be present.
- The Company shall provide all necessary assistance to the ICC 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 disclose conduct constituting Sexual Harassment, the same would be dropped by ICC after recording the reasons thereof and the matter may be referred by ICC to HR investigations or the Ethics hotline as appropriate.
- ICC will conduct the investigation without any delay. Delays on account of scheduling difficulties qua the ICC members should be avoided. If the delay is due to frequent absence or rescheduling by the Complainant or the Respondent, the same shall be put on record.
- If the Complainant or Respondent desires to cross examine any witnesses, the ICC will facilitate the same and record the statements. In case the Complainant or Respondent seeks to ask questions to the other party, they may give them to the ICC, which records the statement of the other party.

The ICC is required to complete the proceedings, 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.

5B. Interim Relief

During pendency of the inquiry, on a written request made by the Complainant, the ICC may inter-alia recommend to the HR to:

- Transfer the Complainant or the Respondent to any other workplace;
- Grant leave to the Aggrieved Woman upto a maximum period of 3 months, in addition to the leave she would be otherwise be entitled to;
- 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 shall be informed to the ICC.

5C. Termination of Inquiry

ICC may terminate the inquiry or give an ex-parte decision on the complaint, if either the Complainant or the Respondent fail to remain present for 3 consecutive hearings of the ICC convened by the Presiding Officer, without sufficient reason. This right shall be exercised by ICC subject to serving upon the concerned party an advance written notice of 15 days.

6. Action to be taken after inquiry

Post the inquiry, the ICC submits its report containing the findings and recommendations to the Complainant and Respondent, who accept the report in writing if they agree with the findings. The ICC is to redact the names of the witnesses to protect their identities. Either or the parties may prefer a representation against the findings by the ICC, and the ICC shall accord such party an opportunity to make submissions on their representation.

Once the two parties are in agreement with the findings report, it shall be submitted to the HR, within 10 days of completion of the inquiry.

6A. Complaint Unsubstantiated

When the ICC concludes the investigation with a finding that the allegation(s) against the Respondent has not been proved, it recommends to the HR that no action is required to be taken in the said matter. Further, the ICC ensures that both parties understand that the matter has been fully inquired into, the matter stands concluded and neither party will be disadvantaged within the Company.

6B. Complaint Substantiated

Where the ICC arrives at the conclusion that the allegation(s) against the Respondent has been proved, it recommends to the HR to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and such action may include:

1. Counseling
2. Apology to be tendered by Respondent
3. Written warning
4. Withholding promotion and/or increments
5. Suspension
6. Termination from employment
7. To deduct from the salary payable to the Respondent such sums as the ICC deems appropriate to be paid to the Aggrieved Woman as compensation inter-alia for trauma, suffering and emotional distress, loss in career opportunity endured by the Aggrieved Woman.
8. Or any other action that the management may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the ICC. Post implementation of the actions, barring matters of termination of employment, HR is required to do a follow up within 30 days of the action with the Complainant to ascertain whether the behaviour complained of has in fact stopped, the resolution proposed by the ICC by way of recommendations is working satisfactorily.

6C. Penal Consequences of Sexual Harassment

In case the ICC finds the degree of offense coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the management of the Company, for making a Police Complaint.

6d. Malicious Allegations

Where the ICC arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Woman or the Complainant has made the complaint knowing it to be false or the Aggrieved Woman or the Complainant has produced any forged or misleading document, it may recommend to the Consequence Committee of the Company to take appropriate action against the Aggrieved Woman or the Complainant.

While arriving at a conclusion that the complaint was based on malicious intent, the ICC will consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established during the inquiry.

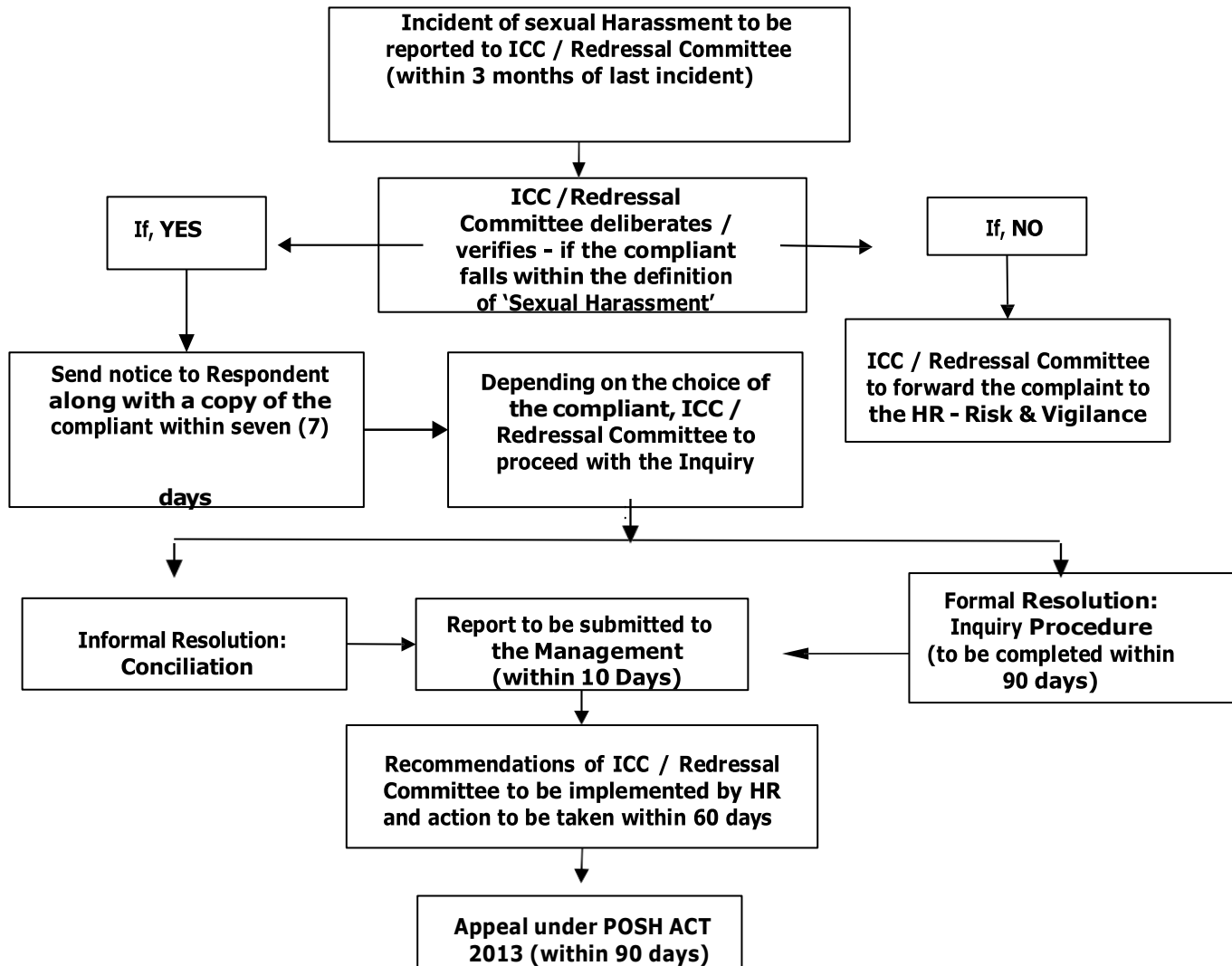
6F. Awareness

To ensure awareness around POSH policy and procedures, the HR team will:

- Formulate and widely disseminate this Policy for raising awareness relating to the do's and don'ts aiding prevention and redressal of sexual harassment at the workplace.
- Carry out orientation programs for the Members of the ICC.
- Conduct capacity building and skill building programs for the Members of the ICC.
- Declare the names and contact details of all the Members of the ICC.
- Introduce mandatory POSH training for employees and track compliance.

Note: Any person contravening the confidentiality obligation will be subjected to disciplinary action and consequences as prescribed in the Act. For purposes of management reporting the identities of the employees involved are required to be masked. Additionally, any form of victimization or retaliation of either the Complainant or the Respondent will be treated as a breach of the Code of Conduct of the Company.

7. Flowchart of the Process



8. Legal Compliance

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

- Number of complaints of Sexual harassment received during the year
- Number of complaints disposed of during the year
- Number of cases pending for more than 90 days
- Number of workshops or awareness programs against Sexual Harassment conducted
- Nature of action taken by the Management or District Officer

Note : Any matter being reviewed or under investigation or appeal by ICC as on 20th October 2023, shall continue to be inquired in terms of the existing POSH policy. All matters presented to the Internal Complaints Committee after 20th October 2023 will be inquired into/reviewed under this Policy.

Annexure 1
Internal Complaints Committee

Entity	List of members	ICC level
One 97 Communications Limited (icc@paytm.com) Entity	Sweta Ganatra	President
	Rakhi Singh	Member
	Shruti Singh	Member
	Ashish Banga	Member
	Ruchika Garg	Member
	Monica Majithia	Independent Member