

PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE – POSH Act 2013

Introduction

Rubicon Research Limited is committed to providing a safe and conducive work environment to all of its employees and expects them to combine “expertise with responsibility”. Towards this, it is essential that each employee deals with their colleagues and third parties with full fairness and respect and realizes that his/her behaviour will be attributed to RUBICON RESEARCH and can affect its inward and outward reputation on an international basis.

Under the Rubicon Research Code of Conduct, harassment of any kind, including sexual harassment, is forbidden. Every employee has the right to be protected against harassment, regardless of whether the accused considers his or her own behaviour to be normal or acceptable and of whether the harassed person has the opportunity to avoid the harassment. This right to practice any profession or to carry on any occupation, trade, or business also includes the right to a safe environment free from sexual harassment. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 was enacted by the Indian Parliament to offer protection to employees in the workplace and to ensure legal compliance and corporate responsibility.

Rubicon Research is committed to providing a work environment free of sexual harassment. This POSH policy has been formed to prohibit, prevent, or deter the commission of acts of sexual harassment at the workplace against people and to provide the procedure for the redressal of complaints about sexual harassment.

1. Purpose

- 1.1. Promote a secure physical, social, and psychological environment that will raise awareness and deter acts of sexual harassment and educate employees against sexual harassment at the workplace;
- 1.2. To evolve a mechanism for the prevention and redressal of sexual harassment cases and to assist those who believe they have been subjected to sexual harassment to seek support and initiate appropriate remedial action.

2. Eligibility/Scope

- 2.1. This Policy will apply to all employees of Rubicon Research based across all offices, regardless of their position and place of employment or engagement, including all engaged in contracted and sub-contracted work with Rubicon Research. The Policy will also cover anyone connected with and engaged with Rubicon Research as trainees, interns,

consultants, contractors, and vendors, including any consultants of subsidiary or affiliate entities of Rubicon Research and any visitors on the Rubicon Research premises.

- 2.2. This Policy covers any forms of alleged acts of sexual harassment of women by men, of men by women, or between the same sexes. Sexual harassment is unlawful, irrespective of who is involved in such behaviour.
- 2.3. This Policy is not restricted to Rubicon Research's office premises only but extends to all Rubicon Research employees wherever such employees have to interact with each other, including for example, while outside or traveling on assignment, in vehicles, third-party premises, offsite meetings, phone calls, messages, social media platforms, parties, social functions, and any place where the employees carry out their duties and responsibilities.
- 2.4. Where sexual harassment occurs to a Rubicon Research employee by an act by a third party or outsider while on official duty, Rubicon Research will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.
- 2.5. Ignorance of any aspect of this Policy cannot be used as a defense during an inquiry on the matter.

3. General Guidelines

3.1 Definition of Sexual Harassment:

Sexual harassment as defined under the Supreme Court of India Guidelines, includes the following unwelcome sexually determined behaviour (whether directly or by implication):

- Unwelcome physical contact and advances;
- A demand or request for sexual favors;
- Sexually colored remarks or innuendos;
- Showing pornography; or
- Any other unwelcome and offensive physical, verbal or non-verbal conduct of a sexual nature.

3.2 This Policy enlists an indicative (but not exhaustive) list of behaviours that constitute sexual harassment under the terms of this Policy and shall include any acts of harassment enlisted by any statute or guidelines/notifications issued by any judicial or governmental agency from time to time.

3.3 Behaviour that constitutes sexual harassment: Harassment includes unwelcome words, acts, or displays having sexual overtones. Any behaviour that is mentioned below or has the

same impact as any of these on an employee will invite appropriate disciplinary action, including separation from Rubicon Research.

- Verbal Sexual Harassment includes any verbal behaviour of a sexual nature:
- Any taunting snide remarks based on sex (including pregnancy, childbirth, or related medical condition), sexual orientation, gender identity, marital status, or personal appearance;
- Phone calls or messages on electronic mail or computer networks that are threatening, abusive, or offensive to employees;
- Intrusive questions about sexual activity, tales of sexual exploits, eve-teasing, comments about people's (women/men) bodies;
- Repetitive unwanted advances (requests for dates or social contact) towards someone who has refused/ignored similar invitations previously;
- Requests or demands for sexual favors, either explicitly or implicitly, in return for employment, promotion, examination, or evaluation of a person towards any company activity;
- Act or conduct by a supervisor or a person in authority that creates an environment in the workplace that is hostile or intimidating to a person;
- Telling lewd jokes, using offensive language, singing or humming vulgar songs, body-shaming remarks, etc.;

3.4 Non-verbal sexual harassment includes:

- Displaying of books, photographs, paintings, films, pamphlets, packages, etc., containing 'indecent representation of women/men';
- Offensive gestures, stalking, sounds, staring, leering, or whistling with the intention to insult, offend or affect her/his performance or discomfort someone who may hear or see such behaviour;
- Viewing or sharing through letters, phone calls, electronic instant messaging, or e-mail messages any pornographic posters, Internet sites, cartoons, or drawings.

3.5 Physical sexual harassment includes:

- Intentional touching, physical contact, or molestation of the body that makes a person uncomfortable;
- Any displays of affection that can make others uncomfortable or are inappropriate at the workplace, even if the recipient welcomes it;
- Indecent exposure or coerced sexual intercourse.

3.6 All such conduct/behaviour at work constitutes sexual harassment when:

- The submission to the conduct is made a condition of employment.
- The submission to, or rejection of, the conduct is used as the basis for an employment or work-related decision; or
- The conduct creates or could create an offensive, intimidating, or hostile working environment; or
- The conduct interferes or could interfere with the work performance of the complainant/recipient.
- Any questions/clarifications an employee may have in this regard can be raised with any member of the IC as defined hereinafter.

3.7 Additionally, Rubicon Research reserves the right to prohibit, at any time, any behavior or conduct at the workplace that may reasonably be interpreted as harassment or discriminatory, whether or not such conduct is pervasive or severe enough to meet the requirements of sexual harassment as defined herein.

3.8 It is the impact or effect of the behaviour on the recipient and not the intent of the offender that is critical in an assessment of such issues/cases of sexual harassment.

4. **Culture:** Rubicon Research promotes a friendly culture and healthy camaraderie at the workplace. Most socially acceptable behaviours are not considered sexual harassment, provided the recipient is not uncomfortable.

5. **Consensual Relationships:** A romantic or sexual relationship between a manager or other supervisory employee and his or her staff (reporting directly or indirectly) could create compromising conflicts of interest at the workplace. It is, therefore, in the best interest of all concerned that if such a relationship exists, the involved parties should promptly inform HR so the reporting chain can be adequately changed to ensure that no direct or indirect reporting relationship exists.

6. **Internal Committee:**

- An Internal Committee (IC) has been constituted by Rubicon Research to consider and redress all complaints of sexual harassment at the workplace.
- The members of the IC committee will be nominated by the Directors and are headed by a senior-level woman employee. Not less than half of the members have to be women and the IC also has to include an external member who has full knowledge of this Act and is capable of guiding the internal IC Members
- Accordingly, the IC shall comprise [5] members appointed by Rubicon Research, of whom [3] members shall be women, including the Presiding Officer.
- The particulars of the present members of the IC are as follows:

Thane Location:

Sr. No.	Designation	Name	Surname	Mobile No.	Email ID
1	Presiding Officer	Vaishali	Kulkarni	9324925350	vaishali.kulkarni@rubicon.co.in
2	Member	Rashmita	Moholkar	9820503109	rashmita.moholkar@rubicon.co.in
3	Member	Geetika	Bakshi	9920193697	geetika.bakshi@rubicon.co.in
4	Member	Ulka	Chorge	9967721872	ulka.chorge@rubicon.co.in
5	Member	Anju	Aji	9930989216	anju.aji@rubicon.co.in
6	Member	Sudhir	Shinde	9768404099	sudhir.shinde@rubicon.co.in
7	Member	Amit	Kulkarni	8767250216	amit.kulkarni@rubicon.co.in
8	Member	Sanjay	Renapurkar	9820550036	sanjay.renapurkar@rubicon.co.in
9	External Member	Neha	Sathe	9881136670	nehavikramsathe@gmail.com

Ambernath Location:

Sr. No	Designation	Name	Surname	Mobile No	Email ID
1	Presiding Officer	Vaishali	Kulkarni	9324925350	vaishali.kulkarni@rubicon.co.in
2	Member	Pallavi	Borade	9960551031	pallavi.borade@rubicon.co.in
3	Member	Riya	Ambre	9870446438	riya.ambre@rubicon.co.in
4	Member	Snehal	Pandere	9820139491	snehal.pandere@rubicon.co.in
5	Member	Milind	Nemade	7387931113	milind@rubicon.co.in
6	Member	Jayant	Khuspe	9819528951	jayant.khuspe@rubicon.co.in
7	Member	Rajendra	Mhaske	9819516113	rajendra@rubicon.co.in
8	External Member	Neha	Sathe	9881136670	nehavikramsathe@gmail.com

Satara Location:

Sr. No	Designation	Name	Surname	Mobile No	Email ID
1	Presiding Officer	Shubhangi	Chavan	8329019745	shubhangi.chavan@rubicon.co.in
2	Member	Mangesh	Kokate	9421119406	mangesh.kokate@rubicon.co.in
3	Member	Prashant	Patankar	9130029098	prashant.patankar@rubicon.co.in
4	Member	Priyanka	Patil	8600397987	priyanka.patil@rubicon.co.in
5	External Member	Neha	Sathe	9881136670	nehavikramsathe@gmail.com

- Rubicon Research shall update and notify its employees of the details of the change in membership of the IC from time to time.
- The IC committee will represent the entire workforce of Rubicon Research.
- The IC shall be responsible for looking into all the proceedings for the complaints at all locations.

7. **Documentation:** The IC shall keep complete and accurate documentation of the complaint, its investigation, and the resolution thereof. The incident will be documented in both the complainant's and the accused's files with the full report of the IC.

8. **Protection against Retaliation:**

- Rubicon Research prohibits any form of retaliation, victimization, or discrimination against anyone who has reported a suspected episode of sexual harassment or has cooperated in any investigation involving a reported case of sexual harassment.
- If any employee feels that he/she is experiencing any kind of retaliation, victimization, or discrimination, like intimidation, pressure to withdraw the complaint, or threats for reporting, testifying, or otherwise participating in the proceedings, he/she should report the matter to any member of the IC.
- As with complaints of sexual harassment, such actions of retaliation, victimization or discrimination too will be treated as misconduct, and upon notification, Rubicon Research will immediately take appropriate action to prevent/rectify the retaliation, including, pending inquiry, transferring the perpetrator of any such alleged acts of retaliation or victimization, to another department, division or a different place of work.
- Retaliation will be treated as seriously as an alleged case of sexual harassment and will apply even if the original complaint is not proven.

9. **Third-Party Harassment:** Where sexual harassment occurs as a result of an act or omission by any third party or an outsider, Rubicon Research will take all necessary steps to assist the affected person in terms of providing support for initiating any preventive or remedial actions.
10. **Mala-fide Complaint:** Wrongful allegations and publicizing of an incident of sexual harassment will be viewed seriously at Rubicon Research. If, after an inquiry by the IC, it is found that the complaint was raised with mala-fide intent, Rubicon Research can consider this to be misconduct and appropriate disciplinary action will be initiated against the person found guilty of such mala-fide complaint. This disciplinary action could include termination of employment.
11. **Confidentiality:** All inquiries, complaints, and investigations are treated with sensitivity and utmost confidentiality at all times, and any such information pertaining to any complaints of sexual harassment and the proceedings and recommendations of the IC shall be revealed strictly on a need-to-know basis. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.
12. **Disciplinary Action:** Employees who violate the terms of this policy shall be subject to appropriate disciplinary action if an investigation results in a finding that the terms of this policy have been violated. Disciplinary action may include transfer, withholding promotion, suspension, or even dismissal. The mandatory minimum disciplinary action for confirmed harassment is a written reprimand, which shall be recorded in the profile of such a violator. The discipline for very serious or repeated violations may entail termination of employment of such violator. This action shall be in addition to any legal recourse sought by the complainant.
13. **Complaint Reporting & Resolution Process:**
 - 13.1 Any employee who is the recipient of any unwelcome sexual or other harassing behaviour as described in this policy is expected to report the same as per 13.5.
 - 13.2 In case of harassment, the one undergoing such harassment should tell the accused that their behaviour is unwelcome and ask them to stop.
 - 13.3 If, after asking the accused to stop their behavior, the harassment continues, the aggrieved person must report the abuse to the Internal Committee formed for this purpose at the earliest.
 - 13.4 It is advisable that a person raising such a complaint should keep a record of incidents (dates, times, locations, possible witnesses, what happened, and their response). While this is not a mandatory requirement to file a complaint, a record can strengthen a case and help remember the details over time in case the complaint is not filed immediately.
 - 13.5 The concerned employee shall file a complaint in writing (email or hard copy) to the IC giving details of the incident within and up to a period of three months from the date of incident and in case of a series of incidents, within and up to a period of three months from

the date of the last incident. The complainant can also submit corroborative material with documentary proof to substantiate the complaint.

- 13.6 Any delay in reporting must be explained to the IC with sufficient cause for such delay. Rubicon Research shall provide all necessary assistance for the purpose of ensuring full, effective, and speedy implementation of the terms of this policy.
- 13.7 In the event the aggrieved employee is unable to file a complaint on their own, either on account of physical or mental incapacity or death, the complaint may also be filed by another person on behalf of the aggrieved employee (legal heir, immediate family, social worker).
- 13.8 Every reported complaint of sexual harassment will be referred to the IC for review, investigation, and recommendation.
- 13.9 The person accused will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
- 13.10 The IC shall ensure that a fair and just investigation is undertaken immediately.
- 13.11 Appropriate measures will be taken by the IC to ensure confidentiality as to the identity of the complainant and the defendant, the particulars of the complaint, and proceedings conducted under this policy and shall ensure that each party gets a fair hearing in the matter.
- 13.12 Both the complainant and the alleged accused will initially be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- 13.13 IC shall provide an opportunity to the complainant and the defendant to put forward and defend their respective case along with respective witnesses, and the investigation will be done promptly, thoroughly, and in as confidential a manner as possible. The investigation process, statements recorded during the same, and the result of any such investigation shall be documented in writing.
- 13.14 Based on the type and severity of the complaint as assessed by the IC, appropriate inquiries shall be made, and a resolution process will be suggested upon consultation and corroboration of the complainant and defendant in the manner as stated above. This may be a mediated resolution (conciliation) or a full-fledged investigation(enquiry) by the IC. If mediation is successful and agreed to by both the complainant and the defendant, they must accept and abide by the terms of compromise in writing.
- 13.15 IC shall complete its investigations in connection with any complaint of sexual harassment hereunder within 90 days from the date of receipt of the complaint and shall communicate its findings and recommendations of course of action to the Directors within 10 days of completion of the investigation. On the basis of the investigation report and the recommendations, the agreed course of action is to be executed within 60 days from the agreement of such a decision. Those found guilty will be subjected to appropriate disciplinary action by Rubicon Research, which disciplinary actions may range from oral/written warnings, an extension of probation, change of role or demotion, temporary suspension, and/ or termination of employment.

13.16 The findings and supporting documents should be shared with both the parties if employed with Rubicon Research and they should be given an opportunity for making representation against the findings of the committee. The final report with recommendations and all exhibits are to be shared with the parties at the same time of issuing the report to the management.

14. All Rubicon Research employees are expected to use the reporting channels provided hereunder and during the course of any investigations or proceedings under this policy and must NOT publicize any alleged act of harassment.

Below is the timeline defined by the law:

Details	Timeline
Submission of Complaint	Within 3 months of the last incident
Completion of Inquiry	Within 90 days
Submission of Report by ICC to the Directors	Within 10 days of completion of the inquiry
Implementation of Recommendations/Decision by Directors	Within 60 days
Appeal	Within 90 days of the recommendations

15. **Action during the pendency of Inquiry:** During the pendency of an inquiry, on a written request made by the aggrieved person, the IC may recommend to the Directors:

- Transfer the aggrieved person or the respondent to any other workplace;
- Grant leave to the aggrieved person for up to a period of 3 months; or
- Grant such other relief to the aggrieved person as may be prescribed
- The leave granted to the aggrieved person under this section shall be in addition to the leave to which they would be otherwise entitled.

16. Criminal Proceedings:

- Where the act of sexual harassment or of retaliation, victimization, or discrimination against a complainant or any witness amounts to a specific offense under the provisions of the Bharatiya Nyay Sanhita or any other applicable law for the time being in force, Rubicon Research may initiate appropriate action, including instituting criminal proceedings, in accordance with the applicable law, by making a complaint with the appropriate authority.

17. Appeals and Alternate Legal Remedies:

If an employee feels that his/her sexual harassment complaint or a retaliation complaint did not receive a prompt and fair response/resolution, nothing in this policy shall prevent the

complainant or the defendant, at any time, from pursuing formal legal remedies or resolution as may be provided under the various laws for the time being in force through Government agencies or the courts of law of the country.