

**Policy on Prevention, Prohibition &
Redressal of Sexual Harassment at the
Workplace**

Content Management

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Review/Revision of policy:

This policy document will be reviewed and revised by the policy owner with approval of board of directors in response to changed circumstances, and in any event, at intervals of not more than one year or shorter review periods as may be stipulated by the board of directors.

Regulatory Reference:

Framed pursuant to the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Introduction

Blacksoil Capital Private limited (herein referred to as “BCPL” or “the Company”) is a Systemically Important, Non-Deposit taking, Non-Banking Finance Company (NBFC-ND-SI) registered with RBI. It is base layer NBFC as defined under master directions Reserve Bank of India (Non-Banking Financial Company – Scale Based Regulation) Directions, 2023, RBI/DoR/2023-24/105 DoR.FIN.REC. No.45/03.10.119/2023-24 dated 19 October 2023.

BCPL provides debt facility to growth companies, Financial Institutions and Supply Chain Financing for SME channel partners for their purchases and sales invoices.

At the Blacksoil Group, we have zero-tolerance for Sexual Harassment (as defined below). We value every single Employee working at the Blacksoil Group and wish to protect their dignity. In so doing, we are determined to promote a working environment in which persons of both sexes work and complement each other as equals in an environment that encourages maximum productivity. 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.

The ‘Policy on Prevention, Prohibition & Redressal of Sexual Harassment at workplace (‘the policy’) intends to provide protection against Sexual Harassment (whether physical verbal, written, graphic emotional or through gestures that offend) intentionally or not, and offends the dignity and morality of a person to which the behavior is directed by fellow Employees, supervisors, consultants and, advisors will be considered Sexual Harassment and invite serious disciplinary action or other action as necessary, as described in more detail below.

The Blacksoil Group has adopted a gender neutral policy. We at the Blacksoil Group are committed to giving every Employee a just and fair hearing on issues that are raised on Sexual Harassment.

Definitions

1. “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):
 - a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
 - i. Physical contact and advances;
 - ii. Demand or request for sexual favors;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual/ indecent/vulgar jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, letter, phone calls, SMS, MMS etc.;
 - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes;
 - vi. Giving gifts or leaving objects that are sexually suggestive;

- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- viii. Persistent watching, following, contacting of a person; and
- ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b) The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to Sexual Harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the person but on the experience of the aggrieved woman/ man.

2. **Aggrieved Individual:** In relation to a Workplace, is a person, of any age, whether an employee or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent and includes contractual, temporary, visitors.

3. **Respondent:** A person against whom a complaint of Sexual Harassment has been made by the Aggrieved Individual.

4. **Employee:** A person employed by the Blacksoil Group, 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 principal employer, 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 by any other such name.

5. **Workplace:** Head office, Branch offices and shall also include any place where the Aggrieved Individual or the Respondent visits in connection with work, during the course of and/or arising out of employment/ contract/ engagement with Blacksoil Group, including transportation provided for undertaking such a journey.

6. **Employer:** A person responsible for management, supervision and control of the Workplace.

Roles & Responsibilities

Responsibilities of Individual: It is the responsibility of all Employees to respect the rights of fellow Employee and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint

All Employees are encouraged to advise others of behavior that is unwelcome.

Redressal Mechanism – Formal Intervention

In compliance with the Act, the Aggrieved Individual needs to lodge a written complaint, which shall be followed by a formal Redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the Aggrieved Individual will be obtained.

Internal Complaints Committee (Henceforth known as ‘the Committee’)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Complaints Committee**" is constituted at each location. The detail of the Committee shall be notified to all Employees at their respective locations (Workplace).

The committee would comprises of:

- **Presiding Officer:** A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member from non-governmental organizations, familiar with the issues relating to sexual harassment
- At least one half of the total members shall be women

The **committee** is responsible for:

- Receiving complaints of Sexual Harassment at the Workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the Employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines submitting annual reports in the prescribed format

Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the Committee members at the Workplace.

The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by **another 3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the Aggrieved Individual for making the complaint in writing.

If the Aggrieved Individual is unable to lodge the complaint due to incapacity, the following

may do so on behalf of the aggrieved individual with their written consent.

- Legal heir, relative or friend; or
- Co-worker; or
- an officer of the National Commission for Women or State Women's Commission; or
- Any person having the knowledge of the incident, with the written consent of Aggrieved Individual.

If the initial complaint is made to a person other than a Committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the Committee immediately.

Wherever possible Blacksoil Group shall ensure that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

Receiving a Complaint (guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaint are listened to and the complainant informed that Blacksoil Group takes the concerns seriously. Complainant is informed that their concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation are not being pre-judged. Written notes are taken while listening to the person. Complainant shall be allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, is used. Clear description of the incident in simple and direct terms shall be prepared and details are confirmed with the complainant.
- All notes shall be kept strictly confidential. Aggrieved Individual's agreement shall be taken to allow proceeding with the matter, which involves a formal investigation.
- The Aggrieved Individual shall be advised that although the process shall be confidential, the Respondent shall be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity

Care shall be taken to prevent any disadvantage to or victimization of either the Aggrieved Individual or the Respondent

Resolution procedure through conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the Aggrieved Individual and the Respondent. This is only if requested by the Aggrieved Individual.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the Respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the Committee shall record & report the same to the Employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The Committee provides copies of the settlement to the Aggrieved Individual & Respondent. Once the action is implemented, no further inquiry shall be conducted.

Resolution procedure through formal inquiry

Conducting Inquiry

The Committee shall initiate the inquiry in the following cases:

- No conciliation is requested by the Aggrieved Individual
- Conciliation has not resulted in any settlement
- Complainant informs the Committee that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent

The Committee proceeds to make an inquiry into the complaint within a period of **1 week** of its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint:

- Aggrieved Individual should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the Committee sends 1 copy of the complaint to Respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Committee will make 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 shall be present

Interim relief

During pendency of the inquiry, on a written request made by the Aggrieved Individual, the Committee may recommend to the Employer to –

- Transfer the Aggrieved Individual or the Respondent to any other Workplace
- Grant leave to the Aggrieved Individual of maximum 3 months, in addition to the leave which the Aggrieved Individual would be otherwise entitled to
- Prevent the Respondent from assessing Aggrieved Individual's work performance
- Grant such other relief as may be appropriate

Once the interim relief recommendations are implemented, the Employer will inform the Committee regarding the same.

Termination of Inquiry

The Committee may terminate the inquiry or give ex-parte decision, if the Aggrieved Individual's or Respondent respectively remains absent for 3 consecutive hearings, without reason. 15-day written notice shall be given to the party, before termination or ex-parte order.

Inquiry procedure

All proceedings of the inquiry shall be maintained in writing. The Committee will interview the Respondent separately and impartially. The Committee should state exactly what the allegation/s is/are and who had made the allegation. The Respondent shall be given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings shall be prepared which may be shared with the Respondent and Aggrieved Individual's upon request. Any witnesses produced by the Respondent will also be interviewed & statements will be taken.

If the Aggrieved Individual's or Respondent desires to cross examine any witnesses, the Committee will facilitate the same and will record the statements.

In case the Aggrieved Individual's or Respondent seeks to ask any questions to the other party, they may give them to the Committee which will ask them and record the statement of the other party.

Any such inquiry shall be completed, including the submission of the Inquiry report, within **90 days** from the date on which the inquiry was commenced. The inquiry procedure should ensure absolute fairness to all the parties.

Considerations while preparing inquiry report

While preparing the findings/recommendations, following shall be considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of Aggrieved Individual, Respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous incidents of harassment pertaining to the Respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings shall be made available to both parties enabling them to make representation against the findings

A copy of the final findings will be shared with the Aggrieved Individual and the Respondent to give them an opportunity to make a representation on the findings to the Committee

Action to be taken after inquiry

Post the inquiry the Committee will submit its report containing the findings and recommendations to the Employer, within 10 days of completion of the inquiry.

The findings and recommendations shall be reached from the facts established and will be recorded accurately.

If the situation so requires, or upon request of the Aggrieved Individual, Respondent or witness. Blacksoil Group may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

Complaint unsubstantiated

Where the Committee arrives at the conclusion 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.

Further, the Committee will ensure that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Blacksoil Group.

Complaint substantiated

Where the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it will recommend to the Employer to take necessary action for Sexual Harassment as misconduct, in accordance with the applicable Law, rules and policies, and this may include:

- i. Counseling
- ii. Censure or reprimand
- iii. Apology to be tendered by Respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Blacksoil Group may deem fit.

The Blacksoil Group shall act upon the recommendations within **60 days** and confirm to the Committee.

Post implementation of the recommendations of the Committee, follow up with the Aggrieved Individual will be made to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up shall be taken by the Aggrieved Individual's superior supported by Blacksoil Group HR.

Malicious Allegations

Where the Committee arrives at the conclusion that the allegation against the respondent were malicious or the Aggrieved Individual or any other person making the complaint has made the complaint knowing it to be false or the Aggrieved Individual or any other person making the complaint has produced any forged or misleading document, it may recommend to the Employer to take action against the Aggrieved Individual or the person making the complaint.

The action recommended should be similar to the ones proposed for the Respondent in case of substantiated complaints.

While deciding malicious intent, the Committee should consider that mere inability to substantiate a Complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Confidentiality

The identity of the Aggrieved Individual, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the Committees, action taken by the Employer shall be considered as confidential materials and will not be published or made known to public or media.

Any person contravening the confidentiality clauses shall be subject to disciplinary action as prescribed in the act.

Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.