

Prevention of Sexual Harassment Policy - India

Contents

1. Objective	2
2. Applicability.....	2
3. Principles	2
4. Definition of Sexual Harassment.....	2
5. Company's Approach towards Sexual Harassment	3
6. Complaints Handling Process.....	3
7. Internal Committee (IC)	3
8. Quorum	4
9. POSH Secretariat	4
10. Recusal	5
11. Code of Conduct for IC Members	5
12. Roles and Responsibilities of IC Members	5
13. Lodging a Complaint	6
14. Complaint Handling Process / Dealing with the Complaint.....	7
15. Conciliation	7
16. Ex-parte Order	8
17. Power of the Committee for Conducting an Inquiry	8
18. Actions during pendency of Inquiry / Interim Relief	8
19. Disciplinary Action against the Offender	9
20. Documentation / Record Keeping	9
21. Complaints made with a Malicious Intent	9
22. Legal Practitioner	9
23. Appeal	9
24. Awareness & Training	9
25. Revision of Policy	9
26. Annexure I - Incident Reporting Format	10



Objective

Bristlecone India Private Limited (the “Company”) is committed to fostering a culture that ensures no employee, irrespective of their gender or sexual orientation, faces discrimination or harassment, in any possible way. The objective of this policy is to provide protection against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters related thereto.

Applicability

This gender-neutral policy applies to all employees of Bristlecone India Private Limited, irrespective of their sexual orientation or preferences.

The policy covers:

1. All employees who are employed with the Company in India including but not limited to permanent, contractual, or temporary employees (hereinafter referred to as “Employee”)
2. Any employee of the Company who is on short term deputation outside India. However, in case of any conflict between this policy and the local law of the country, the local law would prevail.
3. Any person, who visits the premises of the Company for any purpose, such as customer, visitor etc.
4. All locations of the Company (Workplace). The possible locations could be:
 - a. Any of the business locations of the Company including virtual workplaces; or
 - b. Any external location visited by an Employee due to or in the course of employment with the Company, such as business locations of other organizations / entities, guest houses, hotels, etc., or
 - c. Any mode of transport provided by the Company (or a representative of the Company) to an Employee for undertaking a journey to and from the locations mentioned above, or
 - d. Online meetings and calls.

Principles

The interplay between the different elements of the framework shall be based on the following principles:

- Uphold Bristlecone’s approach towards Zero Tolerance to Sexual Harassment
- Provide safe, transparent & harassment free workplace to all - a core philosophy embedded in the Code of Conduct
- Ensure compliance to all legal requirements as required by the Act and the rules & regulations.
- Provide for a structured process to implement redressal of complaints.
- Maintain standards of confidentiality that this law and policy demands.
- Formulate the Internal Committee (IC) as required by law and under the guidance.
- Ensure that the inquiry is carried out by IC members, chaired by the Presiding Officer (PO).
- Ensure that both the parties are provided with adequate opportunity for a fair representation as per the Principles of Natural Justice.
- In cases of any conflict of interest, the nominated IC member(s) should recuse themselves(s).
- During the term of membership in the IC, no external member will be given any other assignment by the company that carries monetary consideration.

Definition of Sexual Harassment

A broad definition of sexual harassment consists of any unwelcome physical, verbal or non-verbal conduct of unnecessary, improper or unwelcome sexual nature and may include one or more of the following acts or behavior (whether directly or by implication):

- Unwelcome sexual advances, requests for sexual favors, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature.

- Transmitting any message, via mail, telephone, electronic media including social networking websites, virtual meetings, e-mail, SMS etc. which is obscene, lewd, suggestive or blatantly sexual in nature.
- Sexually charged jokes or remarks and behavior which have sexually oriented innuendoes.
- Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day-to-day dealings
- Any pervasive pattern of behavior which makes employees uncomfortable, insecure or feels humiliated or disadvantaged on the basis of gender differentiation.
- Actual sexual assault
- Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile work environment.
- An implied or overt threat of detrimental treatment in that employee's employment or an implied or overt threat about the present or future employment status of that employee and includes the creation of a hostile work environment.
- Conduct interfering with an employee's work or creating an intimidating, hostile or offensive work environment.
- Any action, gesture, remark, either by action and /or verbal which has suggestive sexual overtones either directly, or by inference. Specifically included are any obscene gestures, songs, jokes, comments, which affront the dignity of the person, and work environment for such person.
- Humiliating treatment likely to affect his / her health or safety in relation to or connected with any act or behavior of sexual harassment.

The above is only an indicative list and there can be other acts which can be construed as sexual harassment.

What is not Sexual Harassment?

- An occasional compliment or remark which is not of sexual nature.
- Personality differences between people
- Good natured jokes and jesting where both parties find the conduct acceptable.
- Normal exercise of supervisory responsibilities including discipline or counseling

Company's Approach towards Sexual Harassment

The Company views all incidents of sexual harassment seriously and follows a **zero-tolerance** approach towards any act of sexual harassment. All acts capable of being construed as sexual harassment are prohibited. The principle followed is "**innocent till proven guilty**" and any complaint or report of sexual harassment will be investigated and if proven, appropriate action will be taken against the offender.

Every proven act of sexual harassment will be treated as misconduct under the service rules and appropriate action will be undertaken for such misconduct.

Complaints Handling Process

The Company has established the following process to ensure that any complaint of sexual harassment is dealt with appropriately, sensitively and expeditiously. The complaints will be handled by the committee formed as a part of this policy.

Internal Committee (IC)

An "Internal Committee" has been constituted by the Company to consider, investigate and redress complaints of sexual harassment. Any sexual harassment complaint shall first be sent to this Committee.

The members of the IC will be selected by the Chief Human Resources Officer and necessary appointment / amendment will be communicated by the Company.

Members shall hold office for a maximum of up to three years in the IC from the date of appointment. They shall be eligible for re-appointment at the discretion of the appropriate authority.

The members of the Company's Internal Committee are given below.

Designation	Qualification	Member Names
Presiding Officer	Senior level woman employee	Manisha Bhide (Manisha.Bhide@bristlecone.com)
Members	Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge	- Priya Nair (priya.nair@bristlecone.com) - Sneha Chaudhari (sneha.chaudhari@bristlecone.com) - Kedar Patil (Kedar.Patil@bristlecone.com) - Shrirang Joshi (Shrirang.Joshi2@bristlecone.com)
External Member	From an NGO or association committed to the cause of women or a person familiar with issues relating to sexual harassment	Pooja Mishra (poojam@silveroakhealth.com)
<i>Note: Atleast 50% of the committee will be women</i>		

In case necessitated by circumstances like conflict of interest or sudden spike in number of complaints, the Presiding Officer of the Committee may request the appropriate authority, to reconstitute/reassign members to ensure that the investigation is carried in a fair and just manner.

The Company shall include in its annual report the number of cases filed, if any, and their disposal under the applicable laws.

Quorum

The quorum for conducting inquiry in each complaint shall be five as below:

Committee Member	Participation in every meeting
Presiding Officer	Mandatory
Members	Three employee members to be selected by Presiding Officer
External Member	Mandatory
<i>Note: Presiding Officer will ensure that at least 50% of the members are women</i>	

POSH Secretariat

To assist the Company in carrying out its responsibilities under the law and under the Policy, Bristlecone shall by written order appoint a committee comprising representatives from P&C, Ethics and Legal to perform the following functions.

- Overall implementation of the Framework on behalf of the Company.
- Assist in carrying out responsibilities of the Chief Ethics Officer.
- Collect and compile data for quarterly report to Chief Ethics Officer
- Training of IC members
- Identification of the IC members as per criteria specified in law including external member.
- Finding replacement for members upon expiry of tenure / resignation / transfer of member.
- Tracking of tenure of each member
- Issuance of appointment / amendment communication.
- Reconstitution / reassignment of members in case of recusal / unavailability of members to ensure timely and fair conduct of investigation in fair & just manner.



- Filing of annual Report to District Officers.
- Assisting P&C in organizing training / sensitization sessions for all employees at all workplaces
- Provide support to the IC with respect to coordination between the IC and the Talent Management Partners who will provide day to day support for conduct of inquiry.
- Ensure that respective P&C members carry out the recommendation of the IC within 60 days.
- Advice on legal aspects of the framework, policy, and other documents
- Support the Company on policy matters and legal queries.
- Support the IC on queries with respect to law and procedure only. No opinion on the facts of the case / decision to be made / punishment to be awarded shall be given as these are the duties of the IC to be exercised independently.
- Preserve the documents of the inquiries in a secure manner to ensure confidentiality is not breached.
- Uploading of IC details and changes on government websites.
- Assist in carrying out responsibilities of the Legal Member.
- Preparation and circulation of newsletter with latest legal developments in POSH.

Recusal

If either the complainant or respondent is related to any Committee member or is working in the same chain of command or has any conflict of interest in any other manner, the Presiding Officer shall exclude such members from the quorum. In case the conflicted person is the Presiding Officer herself, the Appropriate Authority shall appoint suitable member for inquiring into the complaint.

Code of Conduct for IC Members

To effectively address workplace sexual harassment complaints in a completely unbiased manner, the IC is expected to:

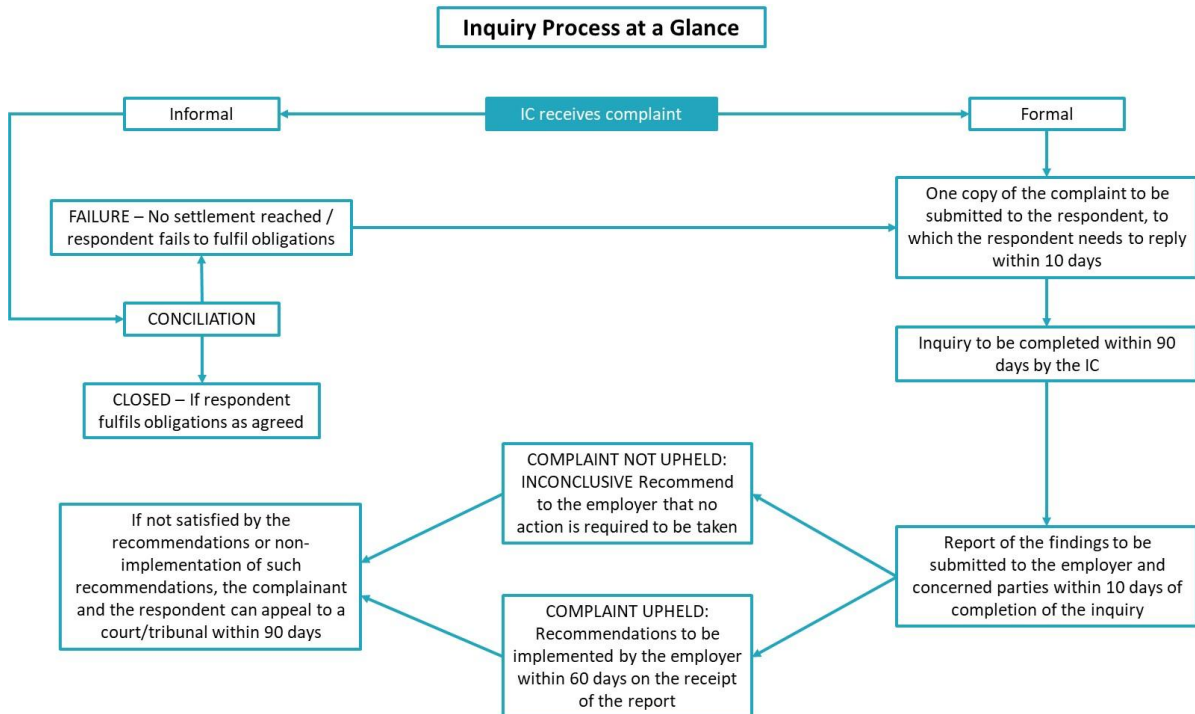
1. Have complete knowledge of the 'Prevention of Sexual Harassment' Act and Organizational Policy on Sexual Harassment.
2. The IC members are expected to uphold the policy not only for execution, but also in their day-to-day demeanor at workplace and beyond.
3. Ensure both the parties (complainant & accused) are aware of the process of investigation and redressal as well as their rights and responsibilities within it.
4. Show empathy, respect, fairness, receptivity and complete attention towards the parties both in conduct and spirit.
5. Share interim findings with both parties. Post conclusion, prepare comprehensive report with findings and share it with parties and share recommendation with the employer and POSH Secretariat.

Roles and Responsibilities of IC Members

1. None of the IC members have any personal interest in the matter.
2. Treat all persons contacted regarding the inquiry with full respect.
3. Do not pre-judge. No person is right or wrong till the inquiry is complete and a decision is taken. It should reflect in the language and words used by IC members during and outside of the inquiry.
4. Refrain from getting aggressive, interrupting, or insisting on a graphical description of the event.
5. Take all necessary steps to ensure that the parties are given a reasonable opportunity to present their case and defend themselves so that no prejudice is caused to either of the parties.
6. Refrain from coaching, guiding, or influencing the Witnesses, the Complainant, or the Respondent during or outside of the inquiry.
7. Accept that each member could have independent views based on the evidence. Try to come to a common convergence based on facts highlighted during the inquiry – do not influence or coerce each other to agree to a viewpoint. Any of IC members can have and record a "Dissenting View" in the final

report.

8. Ensure that interim findings before conclusion are prepared and shared with the parties to enable them to make their representation.
9. Take help of stenographer / transcription service, if available
10. Copies of proceedings to be given to parties and acknowledgment obtained after each inquiry session.
11. Abstain from discussing any aspect of the matter amongst the fellow IC Members in the presence of the parties.
12. Ensure confidentiality of the case (both within & outside the company)
13. Ensure non- retaliation / intimidation by the other party.
14. Conduct inquiry as per the following process:



15. Follow the standard operating process for conduct of inquiry.
16. The nature and seriousness of the offence will be adjudged by the IC (defined hereunder) depending on several factors, including the presence of the following circumstances while the employee was being subjected to any acts of sexual harassment:
 - a. Implicit, explicit, or Implied promise of preferential treatment or threat of detrimental treatment to the employee during the employment; or
 - b. Implicit, explicit, or Implied threat about employee's present or future employment status; or
 - c. Interference with employee's work or creating an intimidating or offensive or hostile work environment during or after employment period; or
 - d. Humiliating treatment, which is likely to affect employee's health or safety.
17. Prepare a comprehensive report with findings, testimonies, and recommendations.
18. The report has been prepared with respect to complaint no (___) (date) in the presence of all members of the IC as appointed by the Policy and has been signed by all members.

Lodging a Complaint

An aggrieved employee may report incident(s) of sexual harassment experienced by them, by sending an email to posh@bristlecone.com. They will then be guided further by the IC regarding their rights available under the law and the steps involved in filing a written complaint. All complaints should be made in writing within a period of three (03) months from the date of the incident. In case of a series of incidents, the written complaint

should be made within three (03) months from the date of the last Incident. The Internal Committee may only extend the timeline as per applicable law, if satisfied that the circumstances were such that delay was warranted and record reasons for condoning the delay.

Where the employee or person who has been sexually harassed is not able to make a complaint on account of his / her physical or mental incapacity or death or otherwise, the employee or such person's immediate relative or friend or any person who has knowledge of the incident may make a complaint with the written consent of the complainant or his/her legal heir, as the case may be.

Any anonymous complaint shall not be entertained.

In addition, employees may also access the Government of India's SHE-Box (Sexual Harassment Electronic Box) Portal, which provides an online platform for filing and tracking complaints relating to sexual harassment at the workplace.

SHE-Box Portal: <https://shebox.wcd.gov.in/>

The SHE-Box Portal serves as an additional confidential reporting channel and does not replace the Company's internal complaint mechanism. Employees are encouraged to report concerns through the Internal Committee (posh@bristlecone.com) and/or the SHE-Box Portal, as appropriate.

Complaint Handling Process / Dealing with the Complaint

Conciliation

- All complaints will need to be made/ recorded in writing in the prescribed manner by the employee / complainant covering all the relevant information. For guidance purposes, please refer to the form provided in [Annexure I](#).
- At the request of the aggrieved employee, the IC – before initiating inquiry may take steps to settle the matter between aggrieved employee or person and the respondent through conciliation.
- In the event settlement is arrived between the aggrieved employee or person and respondent, the IC shall record the settlement terms. No monetary settlement shall be made under conciliation proceedings.
- Where a settlement has arrived, no further inquiry shall be conducted.

Inquiry Process

- If the aggrieved employee does not request for a settlement, then, on receipt of such a complaint, the Committee will immediately arrange to fully investigate all relevant details of the matter.
- The Committee shall inquire into the complaint in accordance with the Principles of Natural Justice.
- Within seven (7) working days of receipt of the complaint, IC shall send one of the copies of the complaint received from the aggrieved person to the respondent. The respondent will be required to file his / her written reply to the complaint along with his / her list of documents and names and address of witness/es, if any within a period not exceeding ten (10) working days from the date of receipt of complaint by the respondent in the prescribed manner.
- Both parties will be given reasonable opportunity to be heard by the Committee. A copy of the findings shall also be given to both parties to enable them to make representations against the findings before the Committee. The Company will ensure that the career interests of the complainant are not adversely affected by virtue of the individual having drawn attention to such an offence.
- Senior Managers and above at all company locations will also be expected to be sensitive to any circumstances or behavior among their colleagues which appear to go against the Company policy on this matter. In case they become aware of any such incident, they must immediately inform IC and take appropriate action.

- The inquiry shall be completed within 90 days. Further, within 10 days of completion of the inquiry, the Committee will formally record the result of the inquiry in its inquiry report and forward its recommendation for appropriate action to the concerned officer of the Company who will act upon the recommendation of the IC within 60 days.
- If the Committee arrives at a conclusion that the complaint is barred by time, it shall not proceed further with the complaint and shall forward the same to Chief Ethics Officer for necessary inquest under the Code of Conduct.
- The Committee shall limit the communication to those individuals who are directly involved and any members of management who have a legitimate need to know.
- A copy of the final report will be made available to both parties.

Ex-parte Order

If the complainant or the respondent fails, without sufficient cause, to present himself or herself for three (03) consecutive hearings convened by the presiding officer, the IC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint. However, such termination or ex-parte order may not be passed without giving a written notice fifteen (15) days in advance to the party concerned.

Power of the Committee for Conducting an Inquiry

For the purpose of conducting an inquiry into any complaint received by it from an aggrieved person, the Committee may:

1. Summon and enforce the attendance of any person and examine him / her on oath.
2. Require the discovery and production of documents; and
3. Perform or require performance of any other such act which may be prescribed under the Act.

Actions during pendency of Inquiry / Interim Relief

During the pendency of an inquiry, on a written request made by the complainant, the IC may recommend to the employer to grant the following interim relief if it considers necessary in the facts and circumstances of the case.

- a. Transfer the complainant or the respondent to any other workplace; or
- b. Grant leave to the aggrieved person up to a period of 3 months, in addition to his / her normal leave entitlement, or
- c. Restrain the respondent from reporting on the complainant's work performance or writing her/his confidential report and assign the same to another officer; or
- d. Grant to the complainant any other relief which may be prescribed.

The Committee will consider the same in the facts and circumstances of each case and decide as to the necessity of such relief. If the Committee recommends to the Company any of the above actions, Company shall carry out the same and inform the Committee.

Confidentiality and Protection against Retaliation

Any complaint or incident(s) reported under this policy shall be treated with all possible care, sensitivity and discretion and any information pertaining to the contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken by the employer including any information capable of identifying any party or witness to the complaint shall be kept strictly confidential and will not be published, communicated, or made known in any manner to the public, press or media. Any person (including witnesses and members of the Committee) who breaches this obligation to maintain confidentiality shall be subject to disciplinary action.

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation.

Disciplinary Action against the Offender

The Committee may recommend such action necessary to meet the ends of justice as it deems fit, including but not limited to such disciplinary action as may be specified in the terms of employment of the offender (s), based on the circumstances and seriousness of the offence. It may also direct the respondent to pay appropriate compensation to the complainant.

Documentation / Record Keeping

The Committee will formally record the result of the investigation and action taken. Investigation records will be maintained in file separate from the personnel files.

The written recommendation of disciplinary action will be attached to the offending employee's personal file. These precautions are aimed at restricting the spread of sensitive information within the organization.

Complaints made with a Malicious Intent

Where the Committee arrives at a conclusion that the allegation against the offender is malicious or the complainant has made the complaint knowing it to be false, or has produced any forged or misleading document and with the motive of maligning the concerned individual / tarnishing his/ her image and to settle personal/ professional vendetta, then the same will be viewed very seriously by the Company and appropriate action will be taken against such complainant, including but not limited to dismissal from the services of the Company.

The employees or persons who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

Legal Practitioner

Neither the complainant nor the respondent shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

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 (ninety) days of the recommendations being communicated.

Awareness & Training

The Company will conduct awareness programs - to sensitize all employees about the provisions of the Act. The Company will also conduct workshops / refresher sessions for the IC members.

Revision of Policy

The Company reserves the right to amend, modify, rescind / reinstate the entire policy or any part of it at any time. All such decisions as taken by Bristlecone management are final, conclusive and binding upon all parties.



Annexure I - Incident Reporting Format

The format below are indicative guidelines for filing complaints and are not mandatory. A complainant may make a written complaint in any other form.

Incident Reporting Format	
Name of the Complainant/Victim:	
Incident Reported against (Name of the Respondent):	
Date(s) of the incident(s)	
Relevant timing(s) and location(s)	
Description of each incident(s) of sexual harassment	
Who was involved?	
What is the working relationship of the parties?	
How did you get to know this?	
Was it the first time this has occurred, or has it happened previously?	
Any witness (es)? If yes, please share their names?	
Is there any other physical evidence or document(s) of the incident(s)?	
If yes, please attach the document or evidence	
Anything else that you would want to mention	

(Signature of the Complainant/Victim)