

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

**(POSH Policy)**

**Date of approval by the Board of Directors : April Month, 25<sup>th</sup> Day, 2024**



**Corporate Office :**

701 7th Floor, Pinnacle Business Park, Corporate Road, Prahaladnagar Auda Garden, Ahmedabad -380015 Gujarat

**Mobile No.** +91 93166 29394 • **Phone No.** +91 079 – 47651701

**Email:** info@finstarscapital.com • **CIN:** U65100GJ1989PLC112111

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## **POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH POLICY)**

This policy (hereinafter "the 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 "the Act"). Consequently, the Policy covers all the key aspects of the Act, however, for any further clarification, reference shall always be made to the Act and in the event of any conflict between the Policy and the provisions of the Act, the provisions of the Act shall prevail.

### **I. COMMITMENT**

FCL is committed to create a secure work environment where all its stake holders such as Employees, Agents, Vendors and Partners can work and pursue business in an atmosphere free from any sexual harassment, exploitation and intimidation.

The policy aims at ensuring that all employees maintain appropriate standards of business and personal conduct with colleagues, clients and with the public at large. These policy guidelines will be subordinate to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules passed there under.

The objective of this policy is to provide protection against Sexual Harassment of women at workplace.

### **II. SCOPE**

The scope of this policy extends to all offices, branches, departments, units, project locations, as well as external locations used for work carried out by the Company and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

Policy on "Prevention of Sexual Harassment" (POSH Policy) extends to all the employees of the Company, including those employed on a regular or temporary basis, 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 with or whether the terms of employment are expressed or implied, and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

### **III. DEFINITION**

a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.

b) "Company" means 'Finstars Capital Limited, in short 'FCL'.

c) "Employee" means a person employed at a workplace for any work on a regular or temporary basis, 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 with or whether the terms of employment are expressed or implied, and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

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d) "Employer" means Chairman and Managing Director of FCL or any other Officer declared as such in its service rules.

e) "FCL Internal Complaints Committee" (FICC) means a committee constituted by Company as per this policy.

f) "Respondent" means a person against whom the aggrieved person has made a complaint.

g) "Sexual Harassment" includes one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely but not limited to:

- i. Physical contact and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks; or
- iv. showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or sayings; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

In addition, the following acts circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to deemed sexual harassment:

- i. implied or explicit promise of preferential treatment in the employment;
- ii. Implied or explicit threat of detrimental treatment in the behaviour;
- iii. Implied or explicit threat about their present or future employment status;
- iv. Interfering with their work or intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
- v. humiliating treatment likely to affect the health and safety of the aggrieved person.
- vi. any other acts or behaviour, any reasonable person views as such

h) "Workplace includes all including all offices, branches, departments, units, project locations, as well as external locations used for work carried out by the Company and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

i) Management : Management includes the person or board or committee responsible for formulation and administration of policies for the Company.

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**IV. LEGAL BACKGROUND :**

The Parliament of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to lay down mechanisms for prevention of sexual harassment and redressal of Complaints, beside matters connected therewith or incidental thereto. This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013".

**V. RESPONSIBILITIES:**

All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this Policy concerning Sexual Harassment. All employees are encouraged to strengthen the maintenance of a work environment free from sexual harassment.

**VI. INTERNAL COMPLAINTS COMMITTEE (FICC):**

The Company has constituted an Internal Complaints Committee (ICC) in accordance with section 4 of the Act for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints. The details of the committee members of ICC and changes therein will be notified from time to time.

**The ICC comprises of:**

1. Presiding Officer: A woman employed at a senior level in the organization or workplace.
2. At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge.
3. 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.

Provided that at least one-half of the total Members so nominated shall be women.

The ICC will be responsible for:

1. Receiving complaints of sexual harassment at the workplace.
2. Initiating and conducting inquiry as per the established procedure.
3. Submitting findings and recommendations of inquiries.
4. Coordinating with the employer in implementing appropriate action.
5. Maintaining strict confidentiality throughout the process as per established guidelines.
6. Submitting annual reports in the prescribed format.

Currently, the ICC comprises of the following members.

Presiding Officer	Ms. Nikita Bhatia
Member	Mr. Miteshan Agarwal
Member	Ms. Sapna Patel
Member	Invited
External Member	<b>Corporate Office :</b>

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## VII. COMPLAINT REDRESSAL MECHANISM

1. Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to FICC within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident, which may further be extended for a period not exceeding three months by FICC by recording the reasons in writing, if circumstances were such which prevented the aggrieved from filing a complaint within the said period.
2. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of FICC shall render all reasonable assistance to the aggrieved for making a complaint in writing.
3. Where the aggrieved employee is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, (a) legal heir or friend; or (b) co-worker; or (c) an officer of the National Commission for Women or State Women's Commission; or (d) any person who has knowledge of the incident, with a written consent of the aggrieved women, legal representative; may make a complaint.
4. The FICC shall make a detailed inquiry into the complaint in accordance with the principles of natural justice.
5. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the FICC along with supporting documents and names and address of witnesses.
6. On receipt of such complaint, FICC shall provide a copy of such complaint along with supporting documents to the Respondent within 7 working days.
7. Respondent shall file reply to the complaint along with their list of documents, and names and addresses of witnesses, within a period not exceeding 10 ten working days from the date of receipt of the documents from FICC.
8. FICC shall investigate the complaint in detail by giving reasonable opportunities for both the parties. For the purpose of making an inquiry, under this policy, FICC have the power of a civil court, vested in it, in respect of:
  - a. Summoning and enforcing the attendance of any person and examining him under oath;
  - b. Requiring discovery and production of documents;
  - c. Any other prescribed matter.
9. During the enquiry process, the Complainant and the Respondent shall refrain from any form of threat, intimidation or influencing of Witnesses.
10. The Committee shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid any retaliation against the witnesses.
11. FICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

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12. The FICC must complete its investigation within a period of 90 days.
13. The Human Resource (HR) Department will extend full cooperation in facilitating to conduct the proceedings by the ICC.
14. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
14. For conducting the enquiry, the quorum of the FICC shall be of 3 members including the presiding officer.
15. The FICC may before initiate an enquiry, and at the aggrieved party's request, attempt to settle the matter between them through conciliation. However, it shall ensure that:
- No monetary settlement made as a basis of conciliation.
  - Where a settlement has been arrived, the FICC record the settlement so arrived and forward the same to the employer HR to take action as specified in the recommendation. A copy of the same shall be provided to the aggrieved and the respondent. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the FICC.
16. During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
- To transfer the aggrieved person or the respondent to any other workplace.
  - Grant leave to the aggrieved person, up to three months with salary which is in addition to leave to which he/she is otherwise entitled.
- Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the work place.

#### **VIII. ACTIONS**

- The committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry to the Management and such report shall be made available to both Aggrieved and Respondent.
- If the allegation against the Respondent has not been proved, the Committee may recommend not to take any action in the matter.
- If the FICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Management to consider sexual harassment as a misconduct and take action in accordance with the provisions of the Service Rules of the Company.
- Such action shall be taken within 60 days of the receipt of report.

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#### **IX. FALSE ALLEGATIONS:**

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. On inquiry, if the FICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the FICC may recommend to take action against the person who made the complaint as per Service Rules. In such a case, malicious intent has to be established after an enquiry in accordance with the procedure prescribed, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the FICC concludes, that he/she has given false evidence or produced forged or misleading documents.
3. The above provision is not to discourage employees from coming forward with complaints. FCL recognizes and expects certain claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to conclude as Sexual Harassment. Complaints falls under the above, shall not be considered to be false accusations.

#### **X. EMPLOYER (MANAGEMENT OF THE ESTABLISHMENT) TO ENSURE:**

- a) That in case there is a complaint against any of the FICC members, Management will have to reconstitute the FICC by removing from the FICC the member against whom there is complaint. In all cases, guidelines as defined by the above clauses would be exclusive of the time taken to reconstitute the said committee.
- b) The Management will provide assistance to the Complainant if she so chooses to file a police complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- c) The Management will also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator who is not an employee of the Establishment and there is complaint of Sexual Harassment against the said perpetrator in the workplace.
- d) The FICC will submit an annual report to the Management as outlined in the Act and the Management shall record the requisite information in the Company's Annual Report in the applicable format.
- e) The Management will assist in ensuring the attendance of the Respondent Employee and witnesses before the ICC as the case may be.
- f) The Management will monitor the timely submission of the reports. For this the Management will conduct periodic update meetings with the FICC and the HR department to ensure that the said policy is being implemented in letter and spirit.
- g) Provide safe working environment at the work place which shall include safety from persons coming into contact at work place.
- h) Display at a conspicuous place in the workplace the penal consequence of sexual harassment and the order constituting the Internal Committee.
- i) Organize workshop and awareness programs to educate women employees at regular intervals about the Act, Rules and relevant regulations.

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- j) Information regarding the constitution of ICC, details of email ID's, contact number of designated persons, procedure for submitting online complaints, rules, regulation and internal policies are to be made available on the website.

#### **XI. APPEAL BY THE AGGRIEVED PERSON:**

Any person aggrieved by any of the following may file an Appeal to the Managing Director of the Company (MD) or an official authorised by him:

- i) against the finding of the ICC that the allegations against the respondent has not been proved during the enquiry or
- ii) against the finding that the allegation is proved and that action for sexual harassment as misconduct should be taken as per service rules or for deduction of any sum from the salary of the respondent ,or
- iii) if the Management fails to implement the decisions based on the recommendations of the ICC, or
- iv) if the Management fails to recover from the Respondent the amount determined to be payable to the aggrieved employee or legal heir, or
- v) if the FICC concludes that the allegation of the aggrieved woman is malicious or the aggrieved woman has produced false evidence or forge documents, or
- vi) if the FICC arrived at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, or
- vii) when persons entrusted with the duty to handle or deal with the complaint, the enquiry or recommendations, publish the contents of the complaint and the enquiry proceedings in contravention of S. 16 of the Act and are made liable for penalty for contravening S. 16 of the Act. An appeal shall be preferred by the aggrieved person to the Managing Director of the Company (MD) or an official authorised by him within 15 days from the receipt of the report of the FICC and such appeal shall be disposed off within 30 days from the receipt of the appeal by such authority. In case the aggrieved employee is not still satisfied by the outcome of the Appeal, he / she may proceed with legal action as provided under the Act or generally within a period of 90 days of the recommendations.

#### **XII. AWARENESS:**

All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the Human Resource (HR) Department. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.

#### **XIII. MISCELLANEOUS**

1 Company with the approval of Competent Authority / Mangement may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies the Act.

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2 Any such alterations or amendment or rescinding will be intimated to the employees.

3 Nothing contained in these Policy shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

4 The FICC shall prepare an annual report with the following details and shall submit the same to the Management to include in its annual report:

- a. Number of Complaints of sexual harassment received during the year;
- b. Number of complaints disposed of during the year;
- c. Number of cases pending for more than 90 days;
- d. Number of workshops or awareness program against sexual harassment carried out;
- e. Nature of action taken by the employer.

5. The above Annual Report and the MIS should be prepared by the FICC and shall be submitted before the end of each financial year to the Senior Management of the Company.

#### **VIX. CONCLUSION**

1 Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz. the person filing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

2 The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

3 The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

**Note:** The policy shall be overall governed by "The Sexual Harassment of Women at the Workplace (Prevention and Redressal) Act, 2013". Given below is a format to assist the aggrieved individual/victim/complainant in making a formal complaint to the Internal Complaints Committee (ICC).



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Annexure

Format of Complaint regarding Sexual Harassment at Workplace

To,  
**Finstars Capital Limited,**  
701, 7<sup>th</sup> Floor, Pinnacle Business Park,  
Opp. Royal Orchid,  
Corporate Road, Prahalad Nagar,  
Ahmedabad, Gujarat-380 015.

Madam,

I am working as a \_\_\_\_\_ at \_\_\_\_\_ in the establishment. I am constrained to make a complaint of sexual harassment against \_\_\_\_\_ (full name, designation, place of work).

*ADD THE DETAILS OF THE INCIDENT : on next Page (From Page No. 2 to \_\_\_\_)*

I am making the above complaint for appropriate action as contemplated under "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder, and the Company's policy framed thereunder.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_.

Yours faithfully,

(Signature)

Name, Status (Relationship) and  
address of the Complainant.

**Employee/Complainant on the bottom of every Page of the Complaint.**

**Page No : 1**

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