

POLICY ON PREVENTION OF SEXUAL HARASSMENT (PoSH) OF WOMEN AT WORKPLACE

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INTRODUCTION

- 1.1 CData Software India Private Limited (“Company”) is committed to providing a work environment that ensures every Employee is treated with dignity and respect and afforded equitable treatment. As per the Company’s Code of Conduct, the Company’s Employees shall not harass or discriminate against any colleague or business partner for any reason. The Company has zero-tolerance for sexual harassment and is committed to take all necessary steps to ensure that its Employees (*defined herein below*) are not subjected to any form of sexual harassment.
- 1.2 This Policy on Prevention of Sexual Harassment of Women at Workplace (“**Policy**”) is made under the overall ambit of the Company Policy and The Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013 and the rules made thereunder (“**Act**”). The Company has adopted this Policy in compliance with the provisions of the Act, to prevent, prohibit and redress sexual harassment of women at workplace.

SCOPE AND APPLICABILITY

- 2.1 This Policy with regard to Prevention, Prohibition and Redressal of Sexual Harassment shall be applicable to the Workplace (*defined herein below*) and it shall cover all the Employees (*defined herein below*). The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates. This Policy shall be read along with the Company’s Employee Handbook and other Policies and shall come into force with *immediate* effect.

DEFINITIONS

For the purpose of this Policy the following terms shall have the meanings ascribed to them herein below:

- 3.1 **“Aggrieved Person”** shall mean and include 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.
- 3.2 **“Employee/s”** shall mean and include any person employed at a Workplace 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 called by any other such name.
- 3.3 **“Internal Committee”** shall mean the Internal Committee constituted by the Company in accordance with the provisions of the Act.
- 3.4 **“Member/s”** shall mean and include the Member/s of the Internal Committee.
- 3.5 **“Presiding Officer”** shall mean and include the Presiding Officer of the Internal Committee.
- 3.6 **“Respondent”** shall mean and include a person against whom the Aggrieved Person has made a complaint under this Policy.
- 3.7 **“Sexual Harassment”** includes any one or more of the following *unwelcome* acts or behavior (whether directly or by implication) namely:-
- a) physical contact and advances; or
 - b) a demand or request by any person for sexual favours; or
 - c) Making sexually coloured remarks; or
 - d) Showing pornography; or

- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, amongst any others if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- a) Implied or explicit promise of preferential treatment in employment; or;
- b) Implied or explicit threat of detrimental treatment in employment;
- c) Implied or explicit threat about present or future employment status; or
- d) Interference with the work, or creating an intimidating or offensive or hostile work environment; or
- e) humiliating treatment likely to affect health and/or safety.

3.8 **“Workplace”** shall mean and include all offices, department, division or any other premises where any work related with the affairs of the Company are conducted; any place visited by the Employee arising out of or during the course of employment including transportation provided by the Company to undertake such journey; any such location where an Employee visits to carry out the Company’s business, attend seminars, trainings, conferences including any get-together organized by the Company.

SEXUAL HARASSMENT IS UNLAWFUL

- 4.1 Every Employee has a right to work in an environment free from any form of Sexual Harassment.
- 4.2 No person who is a part of the management or ownership, a supervisor or an Employee of the Company shall, sexually harass another Employee whether male or female, where he or she is employed with the Company or not; whether the harassment occurs at the premises of the Company or at Workplace or any such other place where the Employee has visited in connection or to carry out the work related to the business of the Company.
- 4.3 The Company shall take all necessary and reasonable steps to prevent and ensure that no Employee in the Company is subject to Sexual Harassment by any Employee or third party during the course of employment. In the event, any Employee is subject to any form of

Sexual Harassment, the Company shall take all necessary steps to assist the Aggrieved Person to redress such act of Sexual Harassment.

- 4.4 No Employee of the Company shall sexually harass any third party/outsider who visits the Company.
- 4.5 Sexual Harassment amounts to misconduct in employment and the rules/ regulations governing employment shall govern such misconduct, in addition to the provisions of this Policy.

RESPONSIBILITY OF EMPLOYEES

- 5.1 Every Employee shall be personally responsible to (i) ensure that their behavior is not contrary to this Policy; (ii) respect others Employees' rights and to never encourage Sexual Harassment; (iii) refuse to participate in any activity which constitutes Sexual Harassment; (iv) encourage the Aggrieved Person to reject unwelcome behavior which constitutes Sexual Harassment and report such instances in accordance with this Policy; and (v) support as a witness if the Aggrieved Person decides to lodge a complaint.
- 5.2 The Company shall periodically organize workshops and awareness programs for sensitizing with the provisions of the Act which each Employee shall have to attend.

INTERNAL COMMITTEE

- 6.1 To prevent issues of Sexual Harassment, to receive complaint of Sexual Harassment by the Aggrieved Person and for time-bound redressal of such complaint, the Company has set up an Internal Committee.
- 6.2 In accordance with the provisions of the Act, the Internal Committee is required to consist of a minimum of four (4) members comprising of (i) a Presiding Officer [a woman Employee employed at a senior level amongst the Employees of the Company]; (ii) Not less than two (2) members from amongst Employees preferably committed to the cause of women or who have experience in social work or have legal knowledge; (iii) One (1)

External Member, appointed from a Non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment or a lawyer. At least half of the total Members of the IC shall be women.

- 6.3 The details of the present Members of the IC are given in Schedule I appended to this Policy and may be updated from time to time.

REDRESSAL MECHANISM

Every investigation shall be conducted by the Internal Committee in a detailed, transparent and effective manner based on the principles of natural justice. Every Employee shall be given equal treatment during the investigation process and the Aggrieved Person is urged to take action for any legitimate complaint in the following manner:

7.1 COMPLAINT

- a) Any Aggrieved Person shall file the complaint of Sexual Harassment, in writing, preferably via the Company's online portal or in the format appended to this Policy as Schedule II, along with documentary evidences, names of witnesses, to the Internal Committee, within 3 (three) months from the date of the incident and in case of series of incident, within a period of 3 (three) months from the date of last incident. Such complaints shall be addressed and emailed to the Members of the Internal Committee at the co-ordinates mentioned in Schedule I herein below.
- b) At the time of filing the complaint, the Aggrieved Person shall submit one (1) submission online or six (6) copies of the written complaint along with supporting documents and names and addresses of the witnesses, to the Internal Committee.

In case the complaint is filed beyond the aforesaid period and, if the Internal Committee is satisfied that the circumstances were such which prevented the Aggrieved Person from filing complaint within the aforesaid period then it may consider to extend the time limit for a further period not exceeding three (3) months at its sole discretion.

In the event that the complaint cannot be made in writing by the Aggrieved Person, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the Aggrieved Person for making the complaint in writing.

In the event the Aggrieved Person is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heirs or such other persons as maybe prescribed under the Act may make a complaint on her behalf with the prior written consent of the Aggrieved Person, as the case maybe.

7.2 CONCILIATION

- a) Prior to initiating the inquiry, the Aggrieved Person may request the Internal Committee to take steps to settle the matter between her/him and the Respondent through conciliation. No monetary settlement shall be made as a basis of conciliation under any circumstances whatsoever.
- b) If a settlement (except for monetary settlement) has been arrived in conciliation, the Internal Committee shall record the settlement so arrived at, which shall be duly signed by the Aggrieved Person and the Respondent and forward the same to the management of the Company to take action as specified in the recommendation and copies of such settlement as recorded shall be provided to the Aggrieved Person and the Respondent and no further inquiry shall be conducted by the Internal Committee.
- c) However, the Aggrieved Person may further refer the complaint to the Internal Committee for redressal if the terms of settlement have not been complied with by Respondent. In such an event the Internal Committee shall proceed to make an inquiry into the complaint as stated herein below.

7.3 INQUIRY INTO THE COMPLAINT

- a) Upon receipt of the complaint from the Aggrieved Person and in case no settlement has been requested by the Aggrieved Person or no settlement has been reached by conciliation or if the Aggrieved Person has further referred the complaint as stated

above, the Internal Committee shall proceed with inquiry into the complaint in accordance with the principles of natural justice.

Subject to the provisions of the Act, if the Respondent is an Employee, the Internal Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the Respondent and where no such rules exist, in such manner as may be prescribed under the rules of the Act.

In the event where the Respondent is not an Employee, in the Workplace at which the incident of Sexual Harassment took place and if the Aggrieved Person desires to take action, under the Indian Penal Code, 1860 or any other law for the time being in force, the Company shall cause to initiate such action and shall extend reasonable and necessary assistance and support to the Aggrieved Person to take such action that the Aggrieved Person intends to take under law.

- b) On receipt of the complaint the Internal Committee shall send one (1) copy of the complaint to the Respondent within a period of seven (7) working days from the date of its receipt.
- c) The Respondent shall have to file his/her reply to the complaint along with the list of documents and names and addresses and witnesses, within a period not exceeding ten (10) working days from the date of receipt of complaint from the Internal Committee.
- d) If both the Aggrieved Person and the Respondent are Employees of the Company, during the course of the inquiry, both the parties shall be given a chance of being heard and a copy of the findings shall be made available to both the parties enabling them to make representations against the findings before the Internal Committee.
- e) During the inquiry, the Internal Committee as it may deem fit, shall be entitled to exercise all powers as are vested in a court of civil jurisdiction under the Code of Civil Procedure, 1908 which shall include the following: (a) summoning and enforcing the

- attendance of any person and examining him on oath, (b) requiring the discovery and production of documents, and (c) any other matter which may be prescribed.
- f) The Parties shall **not** be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
 - g) The Internal Committee shall have the right to terminate the inquiry proceedings or to give ex-parte decisions on the complaint, if the Aggrieved Person or the Respondent fails, without sufficient cause, to present herself or himself for three (3) consecutive hearings convened by the Presiding Officer, subject to Internal Committee issuing fifteen (15) days prior written notice to the last known address of the concerned party.
 - h) The Internal Committee shall conduct a formal investigation based on the complaint and shall arrive at an appropriate recommendation which shall be implemented by the management of the Company.
 - i) The Internal Committee shall complete the inquiry within a period of ninety (90) days from the date of receipt of the complaint, at any instance.

7.4 INTERIM RELIEF

- a) During the pendency of inquiry proceedings, the Aggrieved Person shall be entitled to request the Internal Committee in writing for interim relief and the Internal Committee may on such request by the Aggrieved Person recommend to the management of the Company for provision of appropriate interim relief, *namely*:
 - i. transfer the Aggrieved Person or the Respondent to any other department or workplace; or
 - ii. grant leave to the Aggrieved Person up to a period of three (3) months (such leave shall be in addition to the leave the Aggrieved Person would be entitled to otherwise); or

- iii. grant such other relief to the Aggrieved Person as may be prescribed under the rules of the Act.
- b) Upon such recommendation of the Internal Committee, the management of the Company shall implement the recommendations made therein and send the report of such implementation to the Internal Committee.

7.5 INQUIRY REPORT

- a) The Internal Committee shall provide the inquiry report to the management of the Company within ten (10) days from the day of completion of the inquiry and a copy of such report shall be provided to the parties as well.
- b) If the Internal Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the management of the Company that no action is required to be taken in the matter.
- c) If the Internal Committee arrives at the conclusion that the allegation against the Respondent has been proved, in its inquiry report it shall recommend the management of the Company to take **disciplinary action**, as it deems appropriate, including but not limited to:
 - i. Taking action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent or where no such service rules have been made, in such manner as may be prescribed under the rules of the Act.
 - ii. Deduction of such amount of money from the salary of the Respondent, notwithstanding anything in the service rules applicable to the Respondent, which the Internal Committee considers appropriate amount to be paid to the Aggrieved Person or her heirs as the case may be, in accordance with the provisions of the Act.

In case the management of the Company is unable to make such deduction from the salary of the Respondent due to his/her being absent from duty or cessation of employment, upon receipt of intimation from the Company, the Internal

*Committee shall direct the Respondent to pay such sum to the Aggrieved Person. Further that in case the Respondent fails to pay the aforesaid sum, the Internal Committee shall forward the **order for recovery** of the sum as an arrear of land revenue to the concerned District Officer.*

- iii. Unconditional written apology from the Respondent.
 - iv. A letter of warning/reprimand or censure that shall be placed in the personal file of the Respondent.
 - v. Immediate transfer or suspension without pay or both.
 - vi. Stoppage of increment with or without cumulative effect.
 - vii. Withholding of promotion.
 - viii. Reduction in rank.
 - ix. Termination/ dismissal from the services of the Company.
 - x. Filing a Complaint before the relevant police station/Court.
- d) The management of the Company or the District Officer, as the case may be, shall act upon the aforesaid recommendations within sixty (60) days of its receipt.
- e) In the event the Internal Committee arrives at a conclusion that the allegation against the Respondent is malicious or any witness has given false evidence and based on the recommendation of the Internal Committee, the management of the Company shall take stringent action against the Aggrieved Person or the person who has made such complaint on his/her behalf and/ or such witness who has given false evidence, in accordance with the provisions of the service rules applicable to his/her or such witness or where no such service rules exist, in such manner as may be prescribed under the rules of the Act.

APPEAL

- 8.1 The Aggrieved Person or the Respondent, aggrieved by the recommendations made by the Internal Committee or by the non-implementation of such recommendations shall have the right to make an appeal to the jurisdictional civil court or tribunal in the manner as

may be prescribed, within a period of ninety (90) days from the date of receipt of the recommendation or last date prescribed for implementation of the recommendation, *as the case may be*.

ASSURANCE OF NON-RETALIATION

- 9.1 This Policy seeks to encourage all Employees to express freely, responsibly and in an orderly way, views and opinions about any problem or complaints of Sexual Harassment. Regardless of the outcome of a complaint made in good faith, the Aggrieved Person and any person providing information or any witness, shall be protected from any form of retaliation. While dealing with complaints of Sexual Harassment, the Internal Committee shall ensure that the Aggrieved Person or the witnesses are not victimized or discriminated against by the Respondent. Any unwarranted pressure, retaliation including internal interference, coercion, restraint, or any other type of unethical behavior from the Respondent against the Aggrieved Person while the investigation is in progress should be immediately reported by the Aggrieved Person to the Internal Committee. Stringent disciplinary action shall be taken by the Internal Committee against any such complaints, if proved genuine.

CONFIDENTIALITY

- 10.1 The Company shall do everything consistent with enforcement of this Policy and the law to protect and keep confidential the complaint made under this Policy, the identity and addresses of the Aggrieved Person, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the actions taken by the management of the Company. The Company shall ensure that none of the above are published or communicated or made known to the public, press and media in any manner under any circumstances whatsoever. Any person (including witnesses) who breaches this clause shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, the manner as may be prescribed under the rules of the Act.

ACCESS TO REPORTS AND DOCUMENTS

- 11.1 All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

PROTECTION TO COMPLAINANT/VICTIM

- 12.1 The Company is committed to ensuring that no Employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that the Aggrieved Person or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

MALICIOUS COMPLAINTS

- 13.1 This Policy shall not be used to bring frivolous or malicious complaints against anyone. Any person making a knowingly false complaint will be subject to disciplinary or corrective actions. It is clarified that failure to prove a claim of Sexual Harassment will not constitute a false and/ or malicious accusation.

THIRD PARTY HARASSMENT

- 14.1 Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the Company will take all steps necessary and reasonable, to assist the Aggrieved Person in terms of support and preventive actions.

MANAGEMENT OBLIGATIONS

- 15.1 Management of the Company shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this Policy. It shall be bound by the decisions of the Internal Committee and shall implement the same expeditiously within the prescribed timelines.

15.2 The Management of the Company shall provide the following support to Internal Committee:

- i. Secretarial and administrative support for training and other preventive actions.
- ii. Assist to set up Internal Committee.
- iii. Secretarial support during Sexual Harassment enquiries.
- iv. Adequate financial resources for all activities.

15.3 The Company is expected to provide adequate protection to the Members of the Internal Committee in case of threats and any retaliation. The Management of the Company shall support and protect the Members and any other person, when required, in the event the matters are admitted in the courts for adjudication.

15.4 The Company shall be responsible and it shall endeavor this Policy is communicated to all Employees.

COMPANY POLICY

16.1 The Company is committed to provide equal opportunity to its Employees and strives to create a safe and conducive work environment that enables Employees to work without fear of prejudice, gender bias and Sexual Harassment. The Company firmly believes that every Employee has the right to be treated with respect and dignity and endeavours to promote a gender sensitive workplace and commits itself to remove underlying factors that contribute towards a hostile work environment.

16.2 Therefore, the focus of this Policy is directed to ensure zero-tolerance towards verbal, physical and/ or psychological conduct of a sexual nature by any Employee or stakeholder that directly or indirectly harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

16.3 This Policy is aimed at educating Employees of their rights against any form of unwelcome sexual behavior and to provide firm yardsticks that shall not be crossed while in employment with the Company.

- 16.4 Sexual Harassment as addressed in this Policy need not necessarily be from a male Employee to a female Employee, it may be vice versa as well as between individuals of the same gender.
- 16.5 IN VIEW OF THE ABOVE, HENCEFORTH THIS POLICY SHALL FORM PART AND PARCEL OF THE COMPANY'S RULES AND REGULATIONS/HR POLICY/EMPLOYEE POLICY RELATING TO EMPLOYEE CONDUCT AND DISCIPLINE. AS A GOOD CORPORATE PRACTICE THE COMPANY ADOPTS THE TERMS AND CONDITIONS OF THIS POLICY FOR ALL ITS EMPLOYEES WITHOUT GENDER DISCRIMINATION AND THE TERMS OF THIS POLICY SHALL MUTATIS MUTANDIS APPLY TO ALL THE EMPLOYEES AT PAR WITHOUT ANY GENDER DISCRIMINATION.
- 16.6 The Company reserves the right to modify and amend the provisions of this Policy from time to time, to comply with applicable legal requirements, internal policies, or with a view to fine tune the provisions of this Policy to the extent as may be necessary. Any such amendments to this Policy shall be notified by the Company to the Employees, from time to time.

CONCLUSION

In conclusion, the Company reiterates its commitment to providing its Employees, a workplace free from harassment/ discrimination and where every Employee is treated with dignity and respect.

SCHEDULE I**MEMBERS OF THE INTERNAL COMMITTEE**

PoSH Committee mail ID: Posh-in@cdata.com

Members of the Committee for Prevention of Sexual Harassment

Sl. No.	Name	Designation	Email
1)	Ms. Valerie Brecht	Presiding Officer	valerieb@cdata.com
2)	Mr. Praveen Sahu	Committee Member	Praveens@cdata.com
3)	Ms. Durga Bhavani	Committee Member	durgab@cdata.com
4)	Mr. Hariprasath Ravichandran	Committee Member	hariprasathr@cdata.com
5)	Ms. Himani Joshi	Committee Member	himanij@cdata.com
6)	Ms. Koeli Mandal	IC - External Member	koelimandal@legal-consultant.in

In line with the above, the employer has constituted the above Internal Committee (IC) for a period of Three (3) years. In case of any vacancy, the employer is authorized to fill the vacancy, in line with the basic eligibility requirements stipulated in the Act.

SCHEDULE II

COMPLAINT FORM

Name, Designation and Address of the Aggrieved:

Name, Designation and Address of the Respondent:

Date of Incident/s:

Details of the Incident:

Name, Designation and Address of the witnesses:

Evidence:

Name:

Signature:

Date: