

iBus Network and Infrastructure Private Limited

Prevention of Sexual Harassment: (Prevention, Prohibition and Redressal) Policy

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Prevention of Sexual Harassment (Prevention, Prohibition and Redressal) Policy

1 Introduction to the Policy

iBus Network and Infrastructure Private Limited (“Company”) including its subsidiaries (the Company and its subsidiaries are collectively referred to as the “Group”) believes in providing a safe and healthy working environment. The Group will not tolerate any verbal or physical abuse by its employees, customers, contractors or other non-employees doing business with the Group, occurring in the workplace or in other settings in which employees find themselves in connection with their employment, thereby creating an intimidating, offensive, or hostile environment for employees.

Harassment of any kind including sexual harassment is forbidden in the Group and every employee has the right to be protected against it. Sexual harassment at the workplace is a grave offence and is strictly prohibited and punishable by law.

This Prevention of Sexual Harassment (Prevention, Prohibition and Redressal) Policy (“Policy”) has been formed under the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (together referred to as the “Act”), to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

In order to ensure gender neutrality, we believe that all the employees, irrespective of their gender have the right to be treated with dignity and respect. Hence, the complaints received from or with respect to any other gender wherein the mandatory provisions of the Act cannot be applied, shall be dealt with as per the code of conduct or service rules of the Company, as applicable.

This policy may be updated and amended by the Company, at any time, in its sole discretion and if required under applicable law. This Policy shall be disseminated to each employee of the Group as well as new recruits who will have to acknowledge, that they have read and understood the policy and that they shall abide by the policy.

2 Scope

The Company will not tolerate sexual harassment, even if engaged in by clients or by suppliers or any other business associates.

This Policy is applicable to employees, workers, interns, volunteers, probationers and trainees including those on deputation, part time, under fixed term contracts, working as consultants or any other staff who are engaged by the Group with or without remuneration, either directly or through contractors or agents. This policy shall come into effect immediately from the date as mentioned last below.

3 What constitutes Sexual Harassment?

Sexual harassment includes such unwelcome sexually determined behaviour, such as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands whether by words, gestures, or actions. Such conduct can be humiliating and may constitute a health and safety problem.

It is discriminatory when the complainant has reasonable grounds to believe that his or her objection would disadvantage them in connection with employment, including recruiting or promotion or when it creates a hostile working environment.

Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- (a) Physical contact and advances;
 - (a) A demand or request for sexual favours;
 - (b) Making sexually coloured remarks;
 - (c) Showing pornography;
 - (d) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual's sensibilities and affect her performance;
 - (e) Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
 - (f) Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
 - (g) Conduct of such an act at workplace or outside in relation to an employee of the Group or vice versa during the course of employment; and
 - (h) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- (i) Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace sexual harassment cases can be classified into two categories:
- (a) **Quid pro quo:** Under the quid pro quo (meaning - this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favours for getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.
 - (b) **Creation of a hostile working environment:** A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere, which is intimidating,

hostile, offensive or humiliating and experienced as an attack on personal dignity. For example: an employee tells offensive jokes. No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co-workers. However, an employee who is sexually harassed can complain about the same even if there is no adverse job consequence.

For the purpose of this Policy, “**Prohibited Conduct**” shall mean sexual harassment of any woman at the Group’s workplace and includes any form of retaliation directed against any person who either complains about harassment or who participates in any investigation concerning Harassment.

4 What amounts to workplace?

The workplace under this Policy includes the premises of office/work site designated for work, including the office canteen/pantry, designated parking area, rest rooms, meeting/conference rooms or any other place visited by the employee, arising during the course of employment, including transportation provided by the employer for undertaking such journey.

Workplace shall also include, but is not limited to, the following:

- (c) Physical or digital space when an employee is connected to work, even if it is from home,
- (d) Coffee shop or hotel room;
- (e) Office provided telecom or communication channels phone, internet, chat, email, Video/Audio conference tools, collaboration tools etc.; and
- (f) Publicly available social media or other electronic tools if used to communicate between employees for both official and personal purposes for example, WhatsApp, LinkedIn, Facebook, twitter, Instagram etc., or any other instant messaging or chat app by whatever name called.

5 Redressal system

An Internal Complaints Committee (hereinafter the “**Committee**”) has been constituted by the Company and each other member of the Group (wherever applicable) to consider and redress complaints of sexual harassment, as per the provisions of the Act. The details of the members of the Committee shall be communicated to the employees from time to time. The Committee shall function in accordance with this Policy and the Act.

(a) Complaint

A complaint with respect to Prohibited Conduct by any aggrieved woman may be made by a written or electronic application addressed to the Committee. Such a complaint can be filed by writing to the email address provided below or to any member of the Committee.

Email: posh@ibusnetworks.com

The Group may prescribe a format for filing complaints, which may be used by employees to make the process more efficient. All complaints shall be accompanied by the requisite supporting documents and a list of witnesses to the extent possible. If the complaint is filed in physical form, the complainant shall furnish six (6) copies of the complaint and accompanying documents.

The Committee may administer a declaration form to verify that the contents of the complaint are true and genuine before it proceeds further with the complaint. Where necessary (for example, when the complaint is incomplete), the complainant may be required to provide further details in relation to the complaint.

An employee can file a complaint within three (3) months from the date of the last incident of Prohibited Conduct. This time limit may further be extended beyond three (3) months, if the Committee is satisfied that there were circumstances that prevented the aggrieved woman from filing a complaint within the specified timeline (this discretion would rest with the Chairperson of the Committee).

Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-

- (i) her relative or friend; or
- (ii) her co- worker; or
- (iii) an officer of the National Commission for Women or State Women's Commission; or
- (iv) Any person who has knowledge of the incident, with the written consent of the aggrieved woman.

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-

- (v) her relative or friend; or
- (vi) a special educator; or
- (vii) a qualified psychiatrist or psychologist; or
- (viii) the guardian or authority under whose care she is receiving treatment or care; or
- (ix) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.

Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

(b) Conciliation

The Committee may, before initiating an inquiry into the complaint and at the request of the aggrieved woman take steps to settle the matter through conciliation, provided that:

- (x) There cannot be monetary settlement i.e., settlement could be in the form of an apology letter from the respondent, mutually consented transfer of victim/ respondent, etc.
- (xi) If settlement has been arrived at, the Committee shall record the same and forward the same to the board of directors of the Company, or the relevant Group entity (as the case may be) (“**Board**”) and/or a representative of the Board, as the case may be, to take action as specified in the recommendation.
- (xii) The Committee shall provide copies of the settlement to the victim and respondent.
- (xiii) No further inquiry shall be conducted by the Committee.
- (xiv) Conciliation happens on the premise that there is a prima facie case of sexual harassment.

(c) Inquiry

Once the complaint is received by the Committee, and there is no settlement reached after the conciliation process mentioned above, the Committee shall conduct an inquiry as per the process mentioned below:

- (xv) Within seven (7) working days of receipt of the complaint, a copy of the complaint shall be provided to the respondent who shall provide their response (either in electronic form or physically written) and all supporting documents and a list of witnesses to the extent possible, within a period of ten (10) working days of receipt of the complaint by them.
- (xvi) The proceedings shall be conducted in accordance with this Policy to ensure uniformity and speedy redressal of complaints. The Committee shall have the inherent authority to provide any reasonable extensions in time to any of the parties in their discretion.
- (xvii) The Committee, while inquiring into the complaint referred to it, shall call upon both the parties separately, hear and verify documents produced by the parties, allow the parties to produce witnesses and

to put forth their version. Both parties during the course of the enquiry shall be given an opportunity of being heard. However, in certain circumstances where a physical inquiry cannot be conducted, the Committee may use Video Conferencing tools to conduct inquiry virtually depending upon the situation. The Committee may try to convince the party for a video inquiry, but if objected, Committee may use video to complete the verification, document the objection and proceed with an audio call.

- (xviii) For any form of electronic evidence submitted during the course of the investigation, if evidence is not in its original form, a certificate would be needed, assuring its originality. This certificate can be provided by the user, who used the device during the period.
- (xix) Neither party shall have the right to be represented by a legal practitioner or any third party in proceedings before the Committee. Provided that, a party may, with the permission that the Committee, be represented by any other employee of the Company (not being a legal practitioner or in-house counsel), where the Committee believes that such representation is required in accordance with the principles of natural justice.
- (xx) The Committee shall ensure that the confidentiality and privacy of the parties are always maintained at all times, unless otherwise required. The Committee will interview both the complainant and the respondent separately, including review of any relevant evidence.
- (xxi) The Committee can call upon and interview all witnesses mentioned by both the parties.
- (xxii) The Committee can ask for specific documents from a person if it feels that they are important for the purpose of investigation.
- (xxiii) During the pendency of the inquiry, the complainant may request and the Committee may grant either party a transfer from the current workplace or a leave of absence to the complainant or any other relief it may deem fit under the Act. The leave can extend for a maximum period of three (3) months. Leave granted under this provision will be paid leave and will not be counted in the number of leaves that the complainant is statutorily entitled to. The Committee shall have the discretion to grant leave of an appropriate duration, depending on the facts and circumstances of the case, or grant an alternate measure such as transferring the complainant or the respondent, as it deems fit.
- (xxiv) The investigation shall be completed within ninety (90) days of the receipt of the complaint.

- (xxv) The Committee shall make recommendations to the Company (or the relevant Group entity (as the case may be)) based on the investigation, and copies of the final findings shall be provided to all parties. Provided that:
 - (xxvi) Copies of the report of the investigation shall be supplied to the management of the relevant Group entity within ten (10) days of completion of the investigation.
 - (xxvii) The copy of the recommendation shall be shared, with the complainant and the respondent, prior to the same being shared with the management / employer).
 - (xxviii) The Company shall act on the recommendations of the Committee within sixty (60) days of the receipt of the report containing the recommendations.
- (xxix) If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.
- (xxx) The contents of the complaint made, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation proceedings, if applicable, and the inquiry proceedings, recommendations of the Committee and the action taken by the management shall not be published, communicated or made known to the public, press and media in any manner.
- (xxxi) The Committee may terminate any inquiry or give an ex-parte decision where either party fails, without sufficient cause, to present themselves before the Committee for three consecutive hearings convened by the Committee. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen (15) days in advance, to the party concerned.
- (xxxii) Any party aggrieved by the recommendation of the Committee can prefer an appeal in the appropriate court or tribunal in accordance with the Act within ninety (90) days of the receipt of the recommendation.
- (xxxiii) For the purpose of conducting the inquiry, conducting the inquiry, a minimum of three (3) members of the Committee including the chairperson, shall be present.

6 Disciplinary Action

If the complaint is not proven, no action will be recommended by the Committee. Where the respondent has been found to be guilty of Prohibited Conduct by the Committee, the Committee may at its discretion recommend that the Company (or any entity of the Group, as the case may be):

- (a) Initiate disciplinary action against the employee which may include a warning, reprimand, censure, withholding of promotion or increments, community service or termination of service.
- (b) Fine the employee for misconduct or order compensation to be paid to the complainant.
- (c) The Committee may also recommend termination of employment or counselling session or community services.
- (d) The Committee shall while determining the compensation which is to be paid to aggrieved woman have regard to:
 - (xxxiv) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
 - (xxxv) The loss in the career opportunity due to the incident of sexual harassment.
 - (xxxvi) Medical expenses incurred by the victim for physical or psychiatric treatment
 - (xxxvii) The income and financial status of the respondent.
 - (xxxviii) Feasibility of such payment in lump sum or in instalments.
- (e) The relevant Group entity shall also wherever necessary, assist the complainant in filing a police complaint for any offence that attracts the provisions of the Indian Penal Code, 1860, at the request of the complainant.
- (f) If it is found out through evidence by the Committee that the complainant has maliciously given false complaint against the respondent or any of the parties including witnesses are found to have provided false or misleading evidence, the Committee may at its discretion recommend, that the Company:
 - (xxxix) Initiate disciplinary action against the employee which may include a warning, reprimand, censure, withholding of promotion, withholding of increments, community service or termination of service.
- (xl) Impose fines or penalties on the employee for misconduct.

7 Approach to Complaints

- (a) The Group has a zero-tolerance approach to any form of sexual harassment. The Company shall not in any manner support or condone an employee who sexually harasses any other person at the workplace.
- (b) There shall be no retaliation against any employee who makes a complaint of sexual harassment or who assists with the investigation or ensures resolution of a sexual harassment complaint. Provided, that no employee shall file or instigate a malicious complaint. Any such conduct shall be punishable in accordance with this policy.

8 Escalation Mechanism

If the complainant doesn't receive acknowledgement of the complaint from the Committee within two (2) working days, or if no immediate relief is provided by the Committee where required, then complainant may escalate the matter to the Board and/or a representative of the Board, as the case may be.

9 Protection to Complainant / Victim:

The Group 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 victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

10 Responsibility of Employees regarding Sexual Harassment

All employees of the Group have a personal responsibility to ensure that their behaviour is not contrary to this Policy. This Policy is deemed to be a part of the terms of employment of every Group employee. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

11 Confidentiality

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12 Annual Report to District Officer (DO)

Annual report of every calendar year must be submitted to the district officer as per the Act.

13 Dissemination of the Policy

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

This Policy is as per the applicable laws of India including the Act as well as any other applicable law governing sexual harassment, for the time being in force in India.