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EMA PARTNERS INDIA LIMITED

(formerly known as EMA Partners India Private Limited)

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

V01 - Approved on: 21.08.2024

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Version 02*



Argentina, Brazil, Canada, Chile, China, Czech Republic, Denmark, Finland, France, Germany, Hong Kong, India, Italy, Japan, Mexico, Peru, Poland, Portugal, Saudi Arabia, Singapore, South Africa, South Korea, Spain, Sweden, Switzerland, Thailand, UAE, Ukraine, UK & USA

I. INTRODUCTION:

Sexual harassment at the workplace results in violation of the fundamental rights of a woman;

- The right to equality under Articles 14 and 15 of the Constitution of India
- The right to life and to live with dignity under article 21 of the Constitution of India
- The right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

The Company is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment-free workplace. This commitment extends to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the workplace or other than workplace if involving an employee or employees is a grave offence and is therefore, punishable

At EMA Partners, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to

- Treat each other with dignity and respect
- Follow the letter and spirit of law
- Refrain from any unwelcome behavior that has a sexual connotation
- Refrain from creating hostile atmosphere at workplace via sexual harassment
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

This Policy on Prevention of Sexual Harassment at Workplace (‘Policy’) is framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (‘Act’) and the Rules framed thereunder which is aimed at providing every woman at the workplace a safe, secure and dignified work environment. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference should always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law shall prevail.

This Policy is in addition to the 'Discipline and Appeal Policy' and 'Employee Grievance Redressal Policy' of the Company which covers grievances related to unfair treatment, workplace harassment, health, safety or well-being issues, and any violation of Company policies.

II. SCOPE:

This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company in India. Local country laws will take precedence over this

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policy, in other geographies, if applicable.

Complaints relating to Sexual Harassment against women at Workplace (as defined under the Act) shall be dealt with in accordance with the provisions of the Act. Complaints involving harassment/discrimination, including sexual harassment, against persons other than women [including men and LGBTQ+ individuals] shall be dealt with in accordance with our Employee Grievance Redressal Policy (‘EGRP’).

III. DEFINITIONS:

Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals within the course of his/her work who is not employed by the Company.

1. **Act** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
2. **Aggrieved woman:** 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 and includes contractual, temporary, visitors.
3. **Board** means Board of Directors of the Company.
4. **Company** means EMA Partners India Limited (*formerly known as EMA Partners India Private Limited*).
5. **Employee** means a person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
6. **Employer** means:
 - (i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;
 - (ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation. —For the purposes of this sub-clause “management” includes the person or Board or Committee responsible for formulation and administration of policies for such organisation;

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(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

7. **Internal Committee** means an Internal Complaints Committee constituted by the Board.
8. **Respondent** means a person against whom a complaint of sexual harassment has been made by the aggrieved woman.
9. **Sexual Harassment** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):
- a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
 - i. Physical contact and advances;
 - ii. Demand or request for sexual favors;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vi. Giving gifts or leaving objects that are sexually suggestive;
 - vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - viii. Persistent watching, following, contacting of a person; and
 - ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
 - b) The following circumstances if they occur or are present in relation to any sexually determined act or behavior amount to sexual harassment :
 - i. Implied or explicit promise of preferential treatment in employment;
 - ii. Implied or explicit threat of detrimental treatment in employment;
 - iii. Implied or explicit threat about the present or future employment status;
 - iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - v. Humiliating treatment likely to affect her health or safety.

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

10. **Special Educator** means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.
11. **Workplace means**
 - i. Premises, locations, establishments, enterprises, institutions, offices, branches or units established or subsidiaries which are controlled by the Company.
 - ii. Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

IV. ROLES & RESPONSIBILITIES:

1. Responsibilities of Individual:

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

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

2. Responsibilities of Managers:

All managers at EMA Partners must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

V. REDRESSAL MECHANISM:

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

In accordance with the Act the Company has constituted Internal Committee to prevent instances of Sexual Harassment against women and to effectively deal with complaints involving Sexual Harassment. The composition of the Internal Committee is as mentioned in **Annexure - A** to this Policy and is available on the website of the Company at www.emapartners.in/investor-relation/Policies.

The Grievance Handling Process outlined in the EGRP must be followed for cases involving harassment or discrimination, including sexual harassment, against persons other than women, such as men and LGBTQ+ individuals.

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1. Internal Committee:

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Committee**" ('IC/Committee') is constituted. The details of the Committee are notified to all covered persons at the location (workplace).

The Committee at each location comprises of:

(a) a **Presiding Officer** who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

(b) **not less than two Members** from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) **one member** from amongst non-governmental organisations 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 Company has established a fully compliant Internal Committee that exercises jurisdiction over all its offices and branches within India. This approach has been adopted in consideration of the Company's centralized operational and human resources structure. As a result, the Internal Committee is accessible to all employees across various locations through designated reporting mechanisms, which include official email channels and, when necessary, virtual proceedings. These measures ensure that employees at all locations can report concerns and receive support from the IC efficiently.

The IC is vested with the authority to sub-delegate its powers or appoint local representatives at each office or branch in India. These local representatives are responsible for receiving complaints at the branch level and are required to report such complaints directly to the Internal Committee. This structure ensures that the process for addressing grievances is both comprehensive and responsive, enabling prompt communication and action regardless of the employee's location.

The constitution and functioning of the IC shall be in accordance with the provisions of the Act and the Rules made thereunder.

2. The Committee is responsible for:

- i. Knowing the Act, Policy and/or relevant Service Rules
- ii. Receiving complaints of sexual harassment at the workplace
- iii. Initiating and conducting inquiry as per the established procedure
- iv. Submitting findings and recommendations of inquiries
- v. Coordinating with the employer in implementing appropriate action
- vi. Preparing the report with findings/recommendations
- vii. Maintaining strict confidentiality throughout the process as per established guidelines

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viii. Submitting annual reports in the prescribed format

3. Lodging Complaint:

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

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

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the IC shall render all reasonable assistance to the aggrieved women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint on account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend;
- Co-worker;
- a qualified psychiatrist or psychologist, if any;
- a special educator;
- the guardian or authority under whose care she is receiving treatment or care; if any;
- Any person having the knowledge of the incident.

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

If 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.

If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

The complaint shall be submitted by the complainant to the IC in writing or physically to any IC member or electronically at the designated email s.smita@ema-partners.com / posh@ema-partners.com.

Wherever possible the Company ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

4. Receiving a Complaint:

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

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

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

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

5. Resolution procedure through conciliation:

Once the complaint is received, before initiating the inquiry the Committee may take steps to conciliate the complaint between the complainant and the respondent. **This is only if requested by the aggrieved woman.**

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

No monetary settlement can be made as a basis of conciliation.

In case a settlement is arrived at, the Committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within **2 weeks** of receipt of complaint.

The Committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

6. Resolution procedure through formal inquiry:

6.1. Conducting Inquiry:

The Committee initiates inquiry in the following cases:

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

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

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6.2. Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the Committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three Committee members including the Presiding Officer is present.

6.3. Interim Relief:

During pendency of the inquiry, on a written request made by the complainant, the Committee may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

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

6.4. Termination of Inquiry:

The Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings without reason. 15 days' written notice to be given to the party, before termination or ex-parte order.

6.5. Inquiry procedure:

All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross-examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within **90 days** from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

6.6. Considerations while preparing inquiry report:

While preparing the findings/recommendations, following are considered:

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

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the Committee.

6.7. Action to be taken after inquiry:

Post the inquiry, the Committee submits its report containing the findings and recommendations to the employer, within **10 days** of completion of the inquiry.

6.8. Complaint unsubstantiated:

Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

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

6.9. Complaint substantiated and Disciplinary action towards offender:

Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

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

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The employer is required to act upon the recommendations within **60 days** and confirm to the Committee. Post implementation of the actions, follow-up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and no victimization of either party is occurring. This follow-up is undertaken by the complainant's Line Manager supported by HR.

VI. PENAL CONSEQUENCES OF SEXUAL HARASSMENT:

In case the Committee finds the degree of offence is coverable under the Bharatiya Nyaya Sanhita (BNS), 2023 (erstwhile Indian Penal Code, 1860), then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the BNS, Section 75 (S. 354A of Indian Penal Code, 1860), which deals with Sexual Harassment, has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

VII. DO'S AND DON'TS FOR THE COMMITTEE:

A. DO'S

1. Create an enabling meeting environment.
2. Use body language that communicates complete attention to the parties.
3. Treat the complainant with respect.
4. Discard pre-determined ideas.
5. Determine the harm.

B. DON'TS

1. Get aggressive.
2. Insist on a graphic description of the sexual harassment.
3. Interrupt.
4. Discuss the complaint in the presence of the complainant or the respondent.

VIII. RIGHTS OF THE COMPLAINANT:

- An empathetic attitude from the Committee so that she can state her grievance in a fearless environment
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent
- Keeping her identity confidential throughout the process
- Support in lodging FIR in case she chooses to lodge criminal proceedings
- In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent
- Right to appeal, in case she is not satisfied with the recommendations/findings of the Committee

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IX. RIGHTS OF THE RESPONDENT:

- A patient hearing to present his case in a non-biased manner
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant
- Keeping his identity confidential throughout the process
- Right to appeal, in case, not satisfied with the recommendations/findings of the Committee

X. MALICIOUS ALLEGATIONS:

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

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

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

XI. CONFIDENTIALITY:

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the Committee, action taken by the employer is considered as confidential materials and not published or made known to the public or media.

Any person contravening the confidentiality clause is subject to disciplinary action as prescribed in the Act.

XII. APPEAL:

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

XIII. AWARENESS:

Awareness sessions are to be organized to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for
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prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.

- Carry out orientation programs and seminars for the Members of the IC.
- Conduct capacity building and skill building programs for the Members of the IC.
- Declare the names and contact details of all the Members of the IC.
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

XIV. LEGAL COMPLIANCE:

The Internal Committee shall at each calendar year prepare an annual report, in such format as may be prescribed, and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness programs against Sexual Harassment carried out
- nature of action taken by the employer or District Officer

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ANNEXURE – A

| Sr. No. | Name of the Member | Position in the Committee |
|----------------|---------------------------|----------------------------------|
| 1 | Smita Singh | Presiding Officer |
| 2 | Krishnan Sudarshan | Member |
| 3 | Pamela Lobo | Member |
| 4 | Sonali Pankaj Pol | External Member |

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