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Policy - Prevention of Sexual Harassment (POSH) at Workplace

Version	Release Date	Summary of Changes
V1.1	26 Aug 2021	Policy Revised to Align with N18 Group Policy
V1.2	21 April 2023	Updates to Annexure under L.3 – IC Details
V1.3	22 June 2023	Updates as per V18

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A. Objective and Applicability

1. To ensure that Viacom18 Media Private Limited (hereafter referred to as “**Viacom18**” or the “**Company**” and includes all the entities set out at paragraph B 2) implements the policy in letter and spirit by undertaking all necessary and reasonable steps to provide a safe environment, free of discrimination, and violence against all employees
2. To fulfil with our obligation under applicable law – “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed thereunder.
3. To set up a mechanism for prevention of, protection from, and punishment of, sexual harassment of employees at workplace.
4. To adopt a zero-tolerance non-negotiable policy against any conduct that leads to sexual harassment of employees at the workplace.

This policy (“**Policy**”) applies to all individuals employed or engaged by the Company, including employees, interns, apprentices, contract workers and consultants. Where Sexual Harassment occurs against any worker employed or engaged by the Company as a result of an act by a third party or outsider while on official duty, the Company will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of such third party or outsider.

B. Scope**1. Definitions:**

“**Aggrieved person**” or “**Complainant**” in relation to a workplace means a person, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment;

“**APEX Committee**” consists of:

For Viacom18: Chief Human Resources Officer, Chief Executive Officers and General Counsel.

“**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 co-worker, contract worker, probationer, trainee, intern or called by any other such name.

“**Management**” includes a person, or board of directors, or a committee, responsible for formulation and administration of policies of the Company.

“**Sexual harassment**” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

- a. Physical contact and advances;
- b. A demand or request for sexual favours;
- c. Making sexually coloured remarks;
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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

- i. implied or overt promise of preferential treatment in employment; or
- ii. implied or overt threat of detrimental treatment in employment; or
- iii. implied or overt threat about the present or future employment status;
- iv. conduct which interferes with work or creates an intimidating or offensive or hostile work environment; or
- v. humiliating treatment likely to affect health or safety.

“**Workplace**” means any department, division or any other premises where work of the Company is being carried out. It also includes any place visited by employee(s) arising out of or during the course of employment, including transportation provided by the employer for undertaking such journey. It also includes any premises visited by an employee to carry out the Company’s business or attend any seminar, training, conferences, etc. or attend any event or get-together organised by the Company. In the current scenario, work from home and virtual connects form part of the workplace.

2. Coverage

This policy extends to all entities listed below:

Name of the Company

Viacom18 Media Private Limited

3. Version Control

The Chief Human Resources Officer (CHRO) of Viacom18 shall be the custodian of this policy. The policy shall be reviewed on a regular basis, as and when the need arises, by the senior management of Viacom18. The Company has the right to unilaterally modify this policy, subject to applicable law.

C. Internal Committee

The Internal Committee (“IC”) has been formed across sites and locations for timely redressal of complaints dealing with sexual harassment. Posters and notices providing contact details of IC members have been displayed at all office locations, uploaded on the company website and circulated electronically to all employees.

D. Prohibition of Sexual Harassment at the Workplace

Sexual Harassment at the Workplace, whether it is during or after office hours, overt or subtle, quid pro quo or environmentally hostile, is strictly prohibited both by law as well as this policy.

E. Reporting a Complaint

- a. Any Aggrieved person may make a complaint of workplace Sexual Harassment to the IC at: icc@viacom18.com
- b. The Complainant is required to make the complaint in writing or via email to the IC as soon as possible, not later than three months from the date of occurrence of the incident alleged to constitute sexual harassment (in case of a series of incidents, within a period of 3 months from the date of the last incident). The IC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved person from filing a complaint within the said period.
- c. All complaints should be clear and should include details of the incident or incidents, supporting documents, names of individuals involved and the names and addresses of the witnesses.
- d. The Complainant may request the IC to provide reasonable assistance for making the complaint in writing.
 - a. Where the Aggrieved person is unable to make a complaint on account of her physical incapacity, a complaint may be filed by (i) relative or friend, or (ii) co-worker, or (iii) an officer of the National or State Commission for Women, or (iv) any person who has knowledge of the incident, with the written consent of the Aggrieved person.
- e. Where the Aggrieved person is unable to make a complaint on account of mental incapacity, a complaint may be filed by (i) relative or friend, or (ii) a special educator, or (iii) a qualified psychiatrist or psychologist, (iv) guardian, or (v) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (v) of this clause.
- f. Where the Aggrieved person, 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 the written consent of the Aggrieved person.
- g. If the Aggrieved person would like to initiate action under the Indian Penal Code, 1860 (“IPC”), The aggrieved person may request the APEX Committee for support in writing, and the APEX Committee will provide necessary assistance to the Aggrieved person to file the complaint in relation to the offence under the IPC.
- h. The IC will ensure complete confidentiality of the complaint made.

F. Conciliation

- a. Before the IC initiates an inquiry, the Complainant may request the IC to settle the matter between themselves and the respondent through conciliation. However, no monetary settlement shall be made in connection with the conciliation.
- b. In the event a settlement has been reached, further inquiry shall not be conducted by the IC. In case any terms of the settlement have not been complied with by either party, the other party may approach the IC.

- c. If the Internal Committee decides not to conduct an enquiry into a complaint or if the complaint does not fall under purview of Sexual Harassment, then it shall record the reasons for the same in the minutes of the Internal Committee meeting. The Internal Committee shall make the same available to the APEX Committee.

G. Inquiry and Inquiry Report

- a. The IC shall enquire into the complaint of Sexual Harassment promptly and by following procedures in conformity with the principles of natural justice and gender sensitivity.
- b. The IC will have the powers to call any person and record their statements and make such investigation as may be necessary to evaluate the complaint. For the purposes of the inquiry, the IC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 of India when trying a suit in respect of the following matters:
 - i. Summoning and enforcing the attendance of any person and examining him/her on oath, and
 - ii. Requiring the discovery and production of documents.
- c. The IC shall provide reasonable opportunity to the complainant and the defendant for presenting and defending his/her case.
- d. The IC shall, within a period of seven days from the date of receipt of the complaint, send a copy to the respondent.
- e. The respondent shall be required to file a reply to the complaint along with his list of documents and the name and address of the witnesses, within a period not exceeding ten working days from the date of receipt of the complaint copy.
- f. The investigation process shall be completed with a period of ninety days from date of commencement of the inquiry.
- g. The complainant as well as the respondent shall not be allowed to bring in any legal practitioner or any third party to represent them in their case at any stage of the proceedings before the IC.
- h. The IC shall have the right to terminate the enquiry proceedings or to give an ex-parte decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the IC. The IC shall provide the party concerned a notice of at least 15 days prior to terminating the inquiry proceedings or passing an ex-parte order.
- i. The members of the IC shall maintain confidentiality about the proceedings conducted by them.
- j. On the completion of an enquiry, the IC shall provide a written report of its findings to the APEX Committee within a period of ten days from the date of completion of the enquiry and such report of findings should also be made available to the concerned parties.
- k. In the event that the IC finds the instances of Sexual Harassment substantiated, it shall recommend:

- i. Action for Sexual Harassment as a misconduct in accordance with provisions of applicable policies of the Company; and/or
 - ii. To deduct from the salary/ wages payable to the perpetrator, such sum as it may deem appropriate to be paid to the Aggrieved person or to their legal heirs.
- l. The APEX Committee shall act upon the recommendation of the IC within thirty days of its receipt and send a report of such implementation to the IC.
- m. If the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the complainant has made the complaint knowing it to be false or the complainant has produced any forged or misleading document, it may recommend to the APEX Committee to take disciplinary action against the complainant in accordance with the Company's policies. It is hereby clarified that mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.
- n. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the APEX Committee shall take all reasonable steps to assist the affected employee/s in terms of support and preventive action.

H. Interim Reliefs

During the pendency of an inquiry, on a written request made by the Complainant, the IC may recommend to the employer to-

- i. Transfer the aggrieved person or the defendant to any other workplace, branch or department; or
- ii. Grant leave to the Aggrieved person as per statutory provisions; or
- iii. Change the reporting relationship to ensure that the respondent does not review the performance or is not involved in conducting the appraisal of the complainant

I. Disciplinary Action

- a. The IC has a right to recommend any of the disciplinary actions, as it may deem appropriate, including:
 - i. Order to give written apology from the respondent to the complainant
 - ii. Issuing an oral or written warning to the respondent
 - iii. Reprimand or censure of the respondent
 - iv. Withholding respondent's promotion or demotion
 - v. Withholding respondent's pay raise or increments
 - vi. Terminating the respondent from employment with the Company
 - vii. Requiring the respondent to undergo a counselling session
 - viii. Requiring the respondent to carry out community service
 - ix. Compensation payable to the Aggrieved person
- b. In order to determine the amount to be paid to the victim, the IC shall take the following into consideration:

- i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - ii. the loss in the career opportunity due to the incident of sexual harassment;
 - iii. medical expenses incurred by the victim for physical or psychiatric treatment;
 - iv. the income and financial status of the respondent; or
 - v. feasibility of such payment in lump sum or in instalments.
- c. In case the Company is unable to make such deduction from the salary of the respondent due to the respondent being absent from duty or upon cessation of employment/ engagement, the IC may direct to the respondent to pay such sum directly to complainant. In the event the respondent fails to pay the sum to the complainant as per the direction of the IC, the IC is required to forward an order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- d. In addition to the above, the IC may also recommend providing gender sensitization counselling to the person found to be violating the policy.

J. Confidentiality

All information received in the course of the examination and enquiry into a complaint of Sexual Harassment shall be held in trust by the IC and known members of the organization. The identity and addresses of the Aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by the Company shall not be published, communicated or made known to the public, press and proceedings media in any manner.

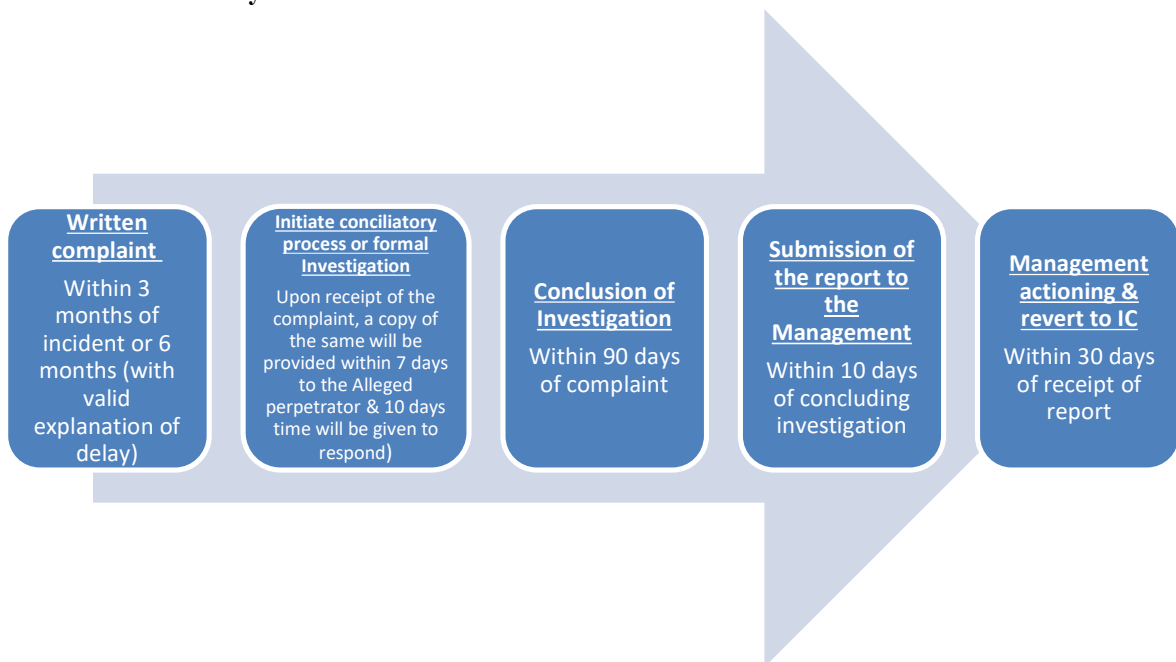
If any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or actions under law, contravenes his/her confidentiality obligation, he/she shall be liable in accordance with the provisions of the Company policies, as applicable, and may be subjected by the Company to disciplinary action, including but not limited to payment of fines.

K. Protection Against Retaliation

The Company prohibits employees from taking negative action against any individual for reporting conduct that may constitute sexual harassment. Regardless of the outcome of the complaint made in good faith, the Complainant and any person providing information or any witness, will be protected from any form of retaliation. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the Respondent or any other person against the Complainant or witnesses in connection with the complaint or the investigation should be reported by the Complainant to the IC as soon as possible. Disciplinary action will be taken by the Company in relation to any such complaints which are found genuine.

L. Annexure**1. Scope Details**

- a. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments, questions about a person's sexual practices, or gossiping about sexual relations, remarks about an individual's body, colour, physical characteristics, or appearance;
- b. Visual conduct such as derogatory and/or sexually oriented posters, offensive or obscene photography, cartoons, drawings or gestures, display of sexually suggestive or lewd objects;
- c. Unwelcome notes or letters or emails, and any other written or graphic material that denigrates or shows hostility or aversion toward an individual because of a particular characteristic, that is placed on walls, bulletin boards, or elsewhere on Viacom 18's premises or circulated in the workplace;
- d. Physical conduct such as physical interference with normal work, assault, unwanted touching, blocking normal movement or unwelcome physical contact, leering at a person's body, and threatening, intimidating or hostile acts that relate to a characteristic;
- e. Retaliation for having reported or threatened to report harassment, or for opposing unlawful harassment, or for participating in an investigation;
- f. When submission to the conduct is made a term or condition of the individual's employment- either explicitly or implicitly.
- g. Asking for dates, or make sexual advances, when it is clear - or becomes clear - that the overture is unwelcome.
- h. Engage in any conduct of an overtly sexual nature, whether welcome or unwelcome.

2. Process Summary

3. Internal Committee Details

The management reserves the right to add to, remove or replace the IC members from time to time, in accordance with applicable law.

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|--------------------------|---|
| - Ms. Nina Jaipuria | Chairperson |
| - Ms. Kshipra Jatana | Member |
| - Mr. Mukul Oberoi | Member |
| - Mr. Anil Lale | Member |
| - Ms. Sonal Mattoo | External Member (Sonalmattoo@helpinghands.org.in) |
| - Ms. Ishanni Joardar | Member (East Region) |
| - Ms. Chanpreet Arora | Member (North Region) |
| - Ms. Subhra Nag | Member (Chennai Region) |
| - Ms. Jyothi Subramanian | Member (Bangalore Region) |