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Prevention of Sexual Harassment at Workplace (POSH) - India

A Matter of Respect and Dignity

March 08th, 2022





Synopsis

The POSH – India policy provides details on process towards protection against sexual harassment at workplace and guidelines ensuring the prevention and redressal of complaint(s) of sexual harassment and for matters connected therewith or incidental thereto.

Reference	SUP/170	
Status	Definitive	
Author	Legal and HR Team	
Authorized	Head of Compensation and Benefits	
Approved	СРО	



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1. Introduction

WNS is committed to provide a safe and respectful work environment to its employees that enables employees to work without fear of prejudice, harassment or any forms of intimidation or exploitation. The Company also believes that all employees have the right to be treated with respect and dignity.

WNS does not support discrimination of individuals on the basis of race, color, gender, age, national origin, religion, sexual orientation, marital status, citizenship, disability and sexual harassment at workplace.

Sexual harassment at the workplace refers to any verbal, non-verbal or physical act of sexual nature that is unwelcomed by the person receiving it and has caused the receiver to feel offended/ humiliated and/or intimidated resulting in an intolerable hostile environment.

WNS treats sexual harassment as gross misconduct under the service rules and other applicable laws. Appropriate action will be initiated for such misconduct. It is necessary for employees to deal with their colleagues and third parties with full fairness, respect and dignity and realize that if his/her behavior may be distressing or upsetting for the recipient, it can damage workplace morale and will be attributed to the Company and can also affect the Company's reputation.

2. Purpose

Prevention of Sexual Harassment (POSH) policy is created to provide protection against sexual harassment at workplace and for ensuring the prevention and redressal of complaint(s) of sexual harassment and for matters connected therewith or incidental thereto.

The Company will take reasonable steps to ensure that no person is sexually harassed and a safe and respectful work environment is created at workplace. These preventive measures include, formulating and displaying POSH policy, creating awareness amongst employees, displaying posters, undertaking online training certification on the Policy at regular intervals as per local laws.

3. Applicability

This policy applies to all WNS Global Services Pvt. Ltd., WNS Business Consulting Services Pvt. Ltd., and Value Edge Research Services Pvt. Ltd. employees who are on the payroll of the Company as probationers, permanent employees, temporaries, part timers, apprentices, and trainees (whether in the office premises or outside while on assignment).

When an employee who is covered under this policy, is sexually harassed as a result of an act by a third party or outsider while on official duty, WNS will take all necessary and reasonable steps to assist the aggrieved person in terms of support and preventive action with appropriate authority of such third party or outsider.



4. Definitions

- Act means The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- Aggrieved Person in relation to a workplace, means any person of any age whether employed with the organization/ Company or not, who alleges to have been subjected to any act of Sexual Harassment by the respondent.
- 3. Respondent means a person against whom the Aggrieved Person has made a complaint.
- 4. Workplace includes:
 - Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit, which is established, owned, controlled or wholly or substantially financed by funds provided by the organization.
 - Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
- 5. **Internal Committee** means an internal committee/ or any other committee constituted by the Company under the provisions of Act as per law of the land for addressing sexual harassment complaints made by aggrieved woman/ man.
- 6. **Complaint** means a complaint made by the aggrieved person in writing(refer section 8 on redressal mechanism).

5. Key Concept

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely

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

Furthermore, if any of the following circumstances occurs or is present in relation to or connected with any act or behavior of sexual harassment among other circumstances, it may also amount to sexual harassment-

- Implied or explicit promise of preferential treatment in employment, or
- Implied or explicit threat of detrimental treatment in employment, or
- Implied or explicit threat about present or future employment status, or
- Interference with work or creating an intimidating or offensive or hostile work environment, or
- Humiliating treatment likely to affect health or safety



Illustrations of acts whether directly or indirectly amounting to sexual harassments (Please note that the list below is not exhaustive and the internal committee at its discretion can include/exclude any inappropriate behavior /situation).

- a. Unwanted physical contact, advances including touching, brushing, pinching, pushing;
- b. Demand or request for sexual favors;
- Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- d. Sexually suggestive comments or comments on physical attributes personally or through phone calls, sms, email or any other electronic means
- e. Singing or humming vulgar songs
- f. Continued suggestions, invitations for social activity if it was made clear that such suggestions are unwelcomed
- g. Discussing sexual activities, sexual prowess or intruding on the privacy of an associates.
- h. Offensive gestures, staring, leering or whistling, that discomforts another.
- i. Unwelcome sexual advances, suggestive behavior or any kind of display of affection that makes other uncomfortable (which the harasser may perceive as harmless);
- j. Sexist, homophobic, derogatory or stereotypical remarks about a particular gender or sexual orientation;
- k. Any other unwelcomed physical, verbal or non-verbal conduct of sexual nature.

Unwelcomed act of sexual nature is determined basis the perseverance of the aggrieved person and not basis the intention of the respondent.

Types of Sexual Harassment

- a. Quid pro quo (meaning "this for that") form of harassment, a person or authority, usually the superior of the victim or someone who has direct control over the working conditions of the victim demands sexual favors for getting a job benefit (like good increment, promotion etc.) and threatens non-extension of benefits if sexual favor is not met. In other words, implied or explicit promise of preferential treatment in her/his employment or implied or explicit threat of detrimental treatment in her/his employment or implied or explicit threat about her/his present or future employment status will amount to quid pro quo sexual harassment.
- A hostile work environment arises when a man or woman creates a work environment unsafe through
 - Verbal Conduct: Includes sexual words and other sexually suggestive comments
 - Non-Verbal Conduct: Includes showing gestures or written offensive material and making offensive sounds
 - Physical conduct: Includes intentional touching of the body and inappropriate display of the body parts
 - When any of the above-mentioned conduct interferes with job performance it may lead to an intimidating, hostile, offensive or humiliating atmosphere at workplace. Thus impacting employees health or safety leading to possible case of sexual harassment.



6. Internal Committee (IC)

In order to address Prevention, Prohibition of Sexual Harassment and redress of complaints, the Company has formed an Internal Committee presided over by a senior female member of the organization having representation from the Business Unit, Enabling Unit and even a professionally qualified and well-versed outside members appointed by the Company. The Internal Committee has more than 50% female members. A detailed list of the members of the Internal Committee along with their contact details is annexed with this policy.

7. If You Are Harassed

If you believe you have been subjected to or witnessed sexual harassment by anyone (including visitors or other non-employees), you should:

- Do not ignore, do not keep it lingering.
- Say NO.
- Convey the offender that his / her behavior is unwelcome and ask him/her to stop immediately.
- Post confronting the offender, if the harassment continues, make a formal complaint. A complaint can be made to the immediate reporting Manager or HR. If the offender is the reporting manager then you may report your complaint to manager's manager or to HR. Alternatively, complaint can also be registered to the Internal Committee through email at ashforum@wns.com or Company's hotline speak-up numbers.
- Keep a record of incident (date, time, location, possible witness, details, response etc.). It is helpful and necessary to have a record of such event's since it assists with investigations and supports in remembering details over time.

8. Redressal Mechanism

i. Filing of Complaint:

- a. Any aggrieved person may make a complaint of sexual harassment at workplace by writing to his/her manager or to HR or to the Internal Committee at <u>ashforum@wns.com</u> or Company's hotline speak-up numbers.(as provided in the annexure)
- b. If the aggrieved person is unable to make a complaint in writing, HR or Internal Committee will provide all reasonable assistance for filing the complaint. If the aggrieved person is unable to make a complaint in writing on account of physical or mental incapacity, his/her legal heirs, friend, family, co-worker or such other person who has knowledge of the incident can make the complaint with written consent of the aggrieved person.
- c. Such a complaint shall be made within a period of three months from the date of the incident and in case of series of incidents, within three months from the date of last incident.
- d. Internal Committee, may extend the time limit for filing the complaint for an additional period upto three months if it is satisfied by the circumstances that prevented the aggrieved person from filing the complaint within prescribed time of three months.



e. While submitting a written complaint it is necessary to have details about name of the Respondent, date-place-time of the incident, name/s of the witnesses and any other information, material or evidence connected to the alleged harassment.

Upon receipt of the complaint from the aggrieved person if it is determined by the Internal Committee that the complaint falls under the scope of sexual harassment, it shall take steps to redress the same by taking following steps in such order of preference it may deem fit.

ii. **Conciliation**: Internal Committee, before initiating a formal enquiry and at the request of the aggrieved person, take steps to settle the matter between the aggrieved person and the respondent in conciliation. The conciliation is totally voluntary. Terms of the conciliation need to be agreed between the parties. No monetary settlement shall be made, basis for the conciliation.

If the matter is settled amicably though conciliation between the aggrieved person and he Respondent, Internal Committee shall record the terms of the settlement so arrived between the parties which shall be signed by the parties as well as representative/s of the Internal Committee. Copies of the settlement so arrived shall be provided to the parties.

Where the settlement is arrived at between the parties in conciliation, no further enquiry shall be conducted.

- iii. **Explanation by the Respondent**: Internal Committee shall send copy of the complaint to the Respondent to get his/her explanation about the complaint. The Respondent shall send explanation in writing within 10 days from the date of receipt of the complaint along with supporting evidences, names of witnesses if any.
- iv. Enquiry Process: The enquiry will be conducted by the Internal Committee as per principles of natural justice. Internal Committee shall host meetings of the enquiry with all relevant parties as may be necessary. Both the parties (aggrieved person and respondent) may record their statements, produce documents and other forms of evidences, examine witness/es in support of their respective claim/defense. In addition, Internal Committee shall collect any other material information, document, evidence as may be necessary from Company's internal records.

Internal Committee shall have the right to proceed with the enquiry ex-parte should the aggrieved person or respondent fail, without valid ground, to be present for enquiry after giving reasonable opportunities.

No legal practitioner or any outsider will be allowed to represent either the aggrieved person or the respondent in proceedings before the Internal Committee.

The enquiry shall be concluded within 90 days. Internal Committee can extend the time for concluding the enquiry for such further period as may be necessary if the circumstances are such which may prevent the enquiry to be completed within the said period.

- v. **Powers of Internal Committee**: Internal Committee shall have power to (i) summon parties, witnesses to appear before the committee as part of the enquiry; (ii) require disclosure and production of document; (iii) take such interim measures as may deem fit during pendency of the enquiry.
- vi. Interim measures: During pendency of the enquiry, Internal Committee, in its sole discretion and as may be necessary, may recommend (i) transfer of aggrieved person or the respondent to any other alternate shift, process or workplace; (ii) grant special leaves to the parties; (iii) change the supervisory relationship between parties; (iv) suspend the respondent pending enquiry; (v) any other action as may deem fit



vii. **Report of the enquiry**: On the completion of the enquiry, Internal Committee shall send its report and findings to the employer along with the recommendations, if any. Copies of such report shall be made available to the aggrieved person and the respondent.

Where the Internal Committee arrives at the conclusion that the allegation/s against the respondent has/have not been proved, it shall recommend to the employer that no action is required to reprimand the parties.

Where the Internal Committee arrives at the conclusion that the allegation/s has/have been proved, it shall recommend to the employer such action as may be deemed necessary.

9. Disciplinary Actions against Sexual Harassment

Sexual harassment is considered as a serious misconduct and following disciplinary action/s can be taken based on the outcome of the enquiry and/or upon recommendation by the Internal Committee.

- a. A written apology
- b. Written warning
- c. Bond of good behaviour
- d. Counselling
- e. Withholding of promotion/increment/incentives/internal transfer
- f. Suspension upto 4 days
- g. Termination / Dismissal from the service
- h. Payment of compensation to the aggrieved person by the respondent.
- i. Any other action/punishment as may be deemed fit.

10. False or Malicious Complaint

This policy has been designed to ensure that a safe and respectful work environment is provided to all employees and employees have a forum to approach in the event of instances of sexual harassment. However, at the same time, the policy also ensures that the mechanism to get their grievances redressed should not be misused.

Where the Internal Committee, after making due enquiry arrives at a conclusion that the allegations made by the aggrieved person against the respondent is malicious or the aggrieved person has made the complaint knowing it to be false or if the aggrieved person has produced any false, forged, fabricated or misleading documents, evidence or if the aggrieved person or any witness/es has/have produced/given false evidence during the enquiry, it may recommend an action against the person responsible for making such false or malicious complaint or for producing false evidences. The recommendations can involve any action contemplated in sec 9 of this policy.

Mere inability to substantiate the complaint or provide adequate proof in support of the complaint however need not be construed as false or malicious complaint and need not attract action against the aggrieved person.



11. Appeal

In the event that any person is aggrieved by the recommendations made by the Internal Committee or non-implementation of such recommendations by employer, he/she may appeal to the Court or Tribunal or Appellate Authority in accordance with the provisions of POSH Act within a period of ninety days of the recommendations.

12. Protection against Retaliation

WNS prohibits any sort of retaliation regardless of the outcome of the complaint against a person who has reported a concern, brought a complaint, co-operated in the inquiry of a complaint, or because a person is closely associated with an individual who has raised a complaint.

The organization while dealing with complaints of sexual harassment shall ensure that the complainant is not victimized or discriminated against by the respondent. The complainant should report any unwarranted pressures, retaliatory or any other type of unethical behavior from the respondent while the investigation is in progress to the internal complaints committee as soon as possible.

13. Confidentiality

The contents of the complaint made under the Policy, identity of the complainant, respondent, witnesses, information relating to conciliation and enquiry proceedings, recommendations of the Committee, action taken by the Company or any other information concerning the complaint shall be kept confidential and shall not be made known to anyone who is not authorized to receive such information. Any person found to be divulging confidential information without authorization shall face disciplinary action as may be deemed necessary.

Effective Date: Date • Page 10 of 13 • Private & Non-Sensitive



14. Annexure

A list of members of the Internal Committee

Sr No	Employee Name	Position	Base Location	Contact No	Email Address
1	Naaznin Anil Desale	Chairperson	Pune	919168978642	Naaznin.Desale@wns.com
2	Pradeep V V Chirravuri	Location Lead & IC Member	Pune	919764975430	Pradeep.C@wns.com
3	Pooja Ketan Mirchandani	Location Lead & IC Member	Mumbai	919768123998	Pooja.Mirchandani@wns.com
4	Priya Madan	Location Lead & IC Member	Gurgaon	919953001727	Priya.Madan@wns.com
5	Arvind Kulkarni	Location Lead & IC Member	Nashik	919764997033	Arvind.Kulkarni@wns.com
6	Raghesh Kothandath Menon	Location Lead & IC Member	Chennai	919176070991	Ragheshm@wns.com
7	Amit Ushakant Haathi	Location Lead & IC Member	Bangalore	919916297345	Amit.Haathi@wns.com
8	Chetna Kushalkar	IC Member	Mumbai	919833978089	Chetna.Kushalkar@wns.com
9	Sangeet Verma	IC Member	Pune	919953684651	Sangeet.Verma@wns.com
10	Shalini Pillai	IC Member	Mumbai	8291085024	Shalini.Pillai@wns.com
11	Saandiip Sharad Bhoraskar	IC Member	Mumbai	919764997002	Saandiip.Bhoraskar@wns.com
12	Ambika Chengappa	IC Member	Mumbai	9820363858	Ambika.Chengappa@wns.com
13	Srinivas Nyayapati	IC Member	Vizag	919908080060	Srinivas.Nyayapati@wns.com
14	Sonal Khanivadekar	IC Member	Pune	919823720912	Sonal.Khanivadekar@wns.com
15	Subha A	IC Member	Bangalore	919611044650	Subha.A@wns.com
16	Kavita Nair	IC Member	Bangalore	919845179480	Kavita.Nair2@wns.com
17	Rahul Kaul	IC Member	Pune	917768004258	Rahul.Kaul@wns.com



Sr No	Employee Name	Position	Base Location	Contact No	Email Address
18	Vishal Mahajan	IC Member	Gurgaon	917767018559	Vishal.Mahajan@wns.com
19	Samruddhi Motadoo	IC Member	Pune	919764975311	Samruddhi.Motadoo@wns.com
20	Jeenex Hilton	IC Member	Chennai	7823981221	jeenex.hilton@wns.com
21	Kartik Kumar	IC Member	Gurgaon	917349707141	Kartik.Kumar@wns.com
22	Eshani Chhikara	IC Member	Gurgaon	1244196202	Eshani.Chhikara@wns.com
23	Rashida Shamsi	IC Member	Nashik	918411973898	Rashida.Shamsi@wns.com
24	Mahalakshmi Ravisankar	IC Member	Mumbai	919324403260	Mahalakshmi.Ravisankar@wns.com
25	Rosy Khurana	IC Member	Hyderabad	9676851019	Rosy.Khurana@wns.com
26	Lijo, George	IC Member	Hyderabad	8688242474	lijo.george@wns.com
27	Sujatha, Soudaboni	IC Member	Hyderabad	9866707037	s.sujatha@wns.com
28	Monica Dabbiru	IC Member	Hyderabad	9958050101	monica.dabbiru@wns.com
29	Pramod Pandit	IC Member	Mumbai	9004418840	pramod.pandit@wns.com
30	Snehal Parab	IC Member	Mumbai	7738049241	snehal.parab@wns.com
31	Meeta Fernandes	IC Member	Mumbai	9004601046	Meeta.Fernandes@wns.com
32	Srujal Deshpande	IC Member	Mumbai	9820058878	srujal.Deshpande@wns.com

- Common email id of the Internal Committee to report complaint: ashforum@wns.com
- Hotline numbers: 000-800-100-3428 / 000-800-100-4175



Document Control

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Amendment summary:

Date	Version	Reason for Amendment
September 01st, 2020	1.0	New Policy Created for India
March 08th, 2022	2.0	Updated the list of Internal Committee (IC) Members

Circulation: All employees in India

External references: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and

Redressal) Act, 2013

Associated documents: Policy on Fair Treatment, Respect and Dignity at Workplace

(In case of any conflict between this policy and any other associate policies, terms and conditions of this policy shall supersede the terms and conditions of

other policy/ies to the extent of such conflict.)