

Prevention & Prohibition of Sexual Harassment at the Workplace

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Version Control

Review	Date
2.2	1st Aug 2021
2.3	1st Aug 2025
2.4	01 st Feb 2026

Policy Brief

Prevention, Prohibition & Redressal of Sexual Harassment at the Workplace

- Provide an environment free from any form of discrimination, intimidation, offensive behavior, or harassment of a sexual nature, where everyone is treated with dignity and respect.
- Prevent, prohibit, and deter acts of sexual harassment by creating awareness among all concerned parties.
- Provide a transparent, unbiased, free, and fair hearing to all covered under the scope of this policy.
- Outline the procedure for the resolution, settlement, prosecution, and/or redressal of any such acts.
- Specify guidelines for disciplinary or corrective action to be taken when the grievance raised is proven to be true, or in cases where it is found to be otherwise.
- Ensure that all issues of harassment, intimidation, or offensive behavior are resolved without fear of reprisal.
- Maintain compliance with the Act, ensuring the policy is gender-neutral.

Purpose & Scope

The purpose of this policy is to provide protection against sexual harassment at the workplace and to outline the prevention and redressal of complaints of sexual harassment and matters related to it.

- (a) This Policy applies to the Company and covers all persons associated with or visiting the Company at any workplace location (on-site or off-site).
- (b) This is a gender-neutral Policy and applies to all Employees, irrespective of their sexual orientation or preferences.
- (c) This Policy is applicable to all employees of the Company, whether working full-time or part-time, including interns, probationers, trainees, apprentices, employees deployed at client and/or vendor work locations, consultants, or retainers on contract employment. It also applies to all employees working from the Company's physical offices, working from home or virtual offices, and those traveling outside their customary work location on business assignments, conferences, or official capacity.
- (d) The Company has the right to take appropriate action against Employees under this Policy if a Complaint regarding sexual harassment is filed by an Aggrieved Individual within the timelines prescribed under the Act.
- (e) The parties involved can be of any gender. The Company has the right to initiate an inquiry under this Policy upon receiving a Complaint, and the Internal Committee (IC) will preside over the meetings or take necessary action if an issue is noticed by its members, even without a formal complaint.
- (f) All instances of sexual harassment that may arise within the Company's offices, branch offices, premises where the business of the Company is carried on, or any location visited by the Employee in connection with work, including but not limited to Company-provided transportation, accommodation, or Company-sponsored travel for training, will be considered within the scope of this Policy, even if they occur outside Company premises.
- (g) Any false complaint of sexual harassment or providing false information regarding a Complaint will be treated as misuse of the Policy, and the individual responsible will be liable for appropriate action as prescribed under the Act.
- (h) This Policy adopts a zero-tolerance and gender-neutral approach towards any form of sexual harassment at the workplace. It is not in derogation of any other legal rights of the affected employees.

Definitions

(a) **“Act”** means the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* and the rules made thereunder.

(b) **“Aggrieved Individual”** means, in relation to a workplace, any person, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent. This includes full-time, contractual, and temporary employees, consultants, vendors, clients, and visitors.

(c) **“Company”** means Infifresh Foods Limited, its subsidiaries, and affiliate entities.

(d) **“Complaint”** means a complaint received from an Aggrieved Individual under this Policy.

(e) **“Complainant”** means any Aggrieved Individual who makes a complaint alleging sexual harassment under this Policy.

(f) **“Employee”** refers to:

- Full-time, part-time, temporary, fixed-term, or ad hoc employees;
- Contractual employees, direct or through an agent/third party;
- Individuals working with or without remuneration, including volunteers;
- Persons employed under express or implied terms of employment;
- Trainees, apprentices, officers, and consultants.

(g) **“Employer”** means a person responsible for the management, supervision, and control of the workplace, including appointment, removal, or termination of employees.

(h) **“Workplace”** refers to all locations in which employees and/or third parties are engaged in business activities necessary to perform or carry out their assignments. This includes, but is not limited to, office premises, organized social events, field locations, clients’ premises, transportation provided by the employer, and places visited during business-related travel.

(i) **“Respondent”** means a person against whom the Aggrieved Individual has made a Complaint.

(j) **“Internal Committee (IC)”** means the Internal Complaints Committee constituted in accordance with the Act.

(k) **“Member”** means a member of the IC.

(l) **“Policy”** means this gender-neutral Sexual Harassment Policy.

(m) **“Presiding Officer”** means the Presiding Officer of the IC, who shall be a woman employed at a senior level at the workplace, amongst the employees.

(n) **“Third Party”** refers to the owners or employees of vendors, clients, intermediaries, or any other professional bodies engaged by the Company for carrying out business.

(o) **“Sexual Harassment”**

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

1. Physical contact and advances;
2. A demand or request for sexual favors;
3. Making sexually colored remarks or spreading sexually suggestive talk/rumors in the workplace;
4. Showing or sharing pornography;
5. Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature;
6. Any of the following circumstances, if occurring in relation to or connected with acts mentioned in points 1–5 above:
 - o Implied or explicit promise of preferential treatment in employment;
 - o Implied or explicit threat of detrimental treatment in employment;
 - o Implied or explicit threat about present or future employment status;
 - o Interference with work or creating an intimidating, offensive, or hostile work environment;
 - o Humiliating treatment likely to affect health or safety.
7. Physical, verbal, or non-verbal conduct such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, and gestures;
8. Using the body or any part of it, or any object as an extension of the body, with a sexual purpose in relation to another person without consent or against their will (sexual assault);
9. Spreading rumors about an employee’s sexual relationships;
10. Abetment to any of the above.

Unwelcome Acts: In determining whether the behavior or act complained of is an unwelcome act or constitutes sexual harassment, due weight shall be given to the subjective perception of the Complainant.

In the event any provision of this Policy is in conflict with the Act, the provisions of the Act shall prevail.

Internal Committee (IC)

The Management of the Company shall establish an Internal Committee to deal with grievances under the purview of this Policy.

The IC will handle issues and activities related to sexual harassment at the workplace. It will work to ensure adherence to the Policy across the organization, as prescribed herein.

Composition, Appointment, Removal, Resignation, and Terms of Appointment Composition

- The Committee shall consist of a minimum of four members.
- The IC shall be headed by a senior woman employee of the organization, who shall act as the Presiding Officer.
- The majority of members shall be women and not fewer in number than male members.
- At least one member should preferably be from the Human Resources Department.
- Members of the IC, other than the Presiding Officer, shall be nominated by the employer, out of which at least two should be employees committed to the cause of women, have experience in social work, or possess legal knowledge.
- An external member can be optionally added.

Appointment

The Management shall appoint IC members based on the following parameters:

- Tenure in the organization
- Current position and role
- Individual association with a non-profit organization or social group
- Past experience in dealing with harassment-related cases

Term of Appointment

- IC members shall hold office for a maximum period of three years, which shall be considered one term.
- Management shall ensure that not more than 70% of members are reappointed for a second term.

- An IC member may serve for a maximum of two terms, after which they may be reappointed only following a cooling-off period of one year.

Responsibilities of IC Members

- Ensure implementation of the Prevention and Prohibition of Sexual Harassment at Workplace Policy across the Company.
- Organize regular workshops and training sessions in conjunction with the People & Culture Department.
- Formulate programs to generate awareness of the Policy among management and employees.
- Publish and circulate information regarding sexual harassment and the implementation of this Policy.
- Prepare and submit an Annual Report on the functioning of the IC.
- Supervise the constitution and functioning of the IC for the investigation of complaints.
- Ensure the Company and all responsible parties undertake preventive actions from time to time, as defined in the Policy.
- Conduct inquiries into complaints in accordance with procedures established by law.
- Conduct and document IC meetings.
- Resolve complaints in accordance with stipulated timelines.
- Ensure the management and concerned parties act upon the recommendations of the inquiry report resulting from investigations.

Authority

- The IC is constituted as per the mandate of law and is authorized to investigate any activity within its terms of reference.
- It is authorized to seek information from any employee(s), and employees are required to cooperate with such requests.
- The Management shall act upon the recommendations of the IC as laid down in the inquiry report.
- The IC is authorized to obtain external legal assistance or other independent professional advice, if considered necessary, after consultation with the Head of Compliance and Legal, and to secure the attendance of such advisers at its meetings.
- If the Respondent is a member of the IC, they shall be temporarily suspended from the Committee and shall not participate in any IC proceedings until the charges are resolved.

IC Meetings and Reporting

- Meetings shall be held during the investigation of a complaint or at least once every three months.

- Meetings shall be convened by the Secretary at the request of any member(s).
- The agenda for the meeting shall be prepared by the Secretary in consultation with members and approved by the Presiding Officer.
- Minutes of the meetings shall be recorded and shared with all IC members.
- A bi-annual meeting shall be convened to present a dashboard and discuss other important matters under the purview of the Policy. This meeting shall be attended by IC members and a minimum of 50% of the Management and/or any other member appointed by the CEO.

Incident Reporting

If any Employee believes that they are subjected to sexual harassment, such person (“Aggrieved Individual”) may communicate directly to the person(s) causing the offence (“Respondent”) to stop it and inform them that the behaviour is unwelcome or the Employee may report the incident. If the Respondent fails to stop the harassment or direct communication, the Aggrieved Individual shall take further action and promptly report the incident(s) that they believe are unwelcome, inappropriate, or inconsistent with the Policy.

The Aggrieved Individual should send an email to posh@captainfresh.in. The written complaint should be submitted within three (3) months from the date of the occurrence of the incident. In case of any delay in reporting beyond this period, the IC has the sole discretion to take cognizance of the matter, provided the reasons for such delay are recorded.

The report should contain as much specific information as possible to allow an adequate assessment of the nature and gravity of the incident(s).

Conciliation Procedure

An informal approach to resolve a complaint of sexual harassment may be through conciliation between the parties, facilitated by IC members, providing advice and counselling on a strictly confidential basis. Conciliation should only be attempted at the request of the complainant.

Inquiry Procedure

- Within 5 working days from receipt of the complaint by the Presiding Officer, the Presiding Officer shall convene a meeting of the IC and form the investigation committee to examine the complaint, following the principles of natural justice.
- The IC may examine witnesses from both sides, with the other side being given an opportunity to cross-examine. Any documents produced by the parties will be taken

on record.

- If at any point during the inquiry the Aggrieved Individual requests conciliation, the IC shall allow it, record it in the inquiry proceedings, and inform all concerned parties. In such cases, no further inquiry will be conducted in that matter.
- The IC may call any person for testimony, including witnesses and the Respondent.
- Both the Respondent and the Aggrieved Individual shall be given the opportunity to be heard and to present evidence within the timelines prescribed by the IC.
- The Respondent must respond within the prescribed time.
- The inquiry shall be completed within 60 days from the date of receipt of the complaint, and the IC shall submit its findings and recommendations to the Presiding Officer.
- If the Respondent is found not guilty, all references to disciplinary action will be removed from their file, and a closure/clearance letter will be issued. The IC will then assess whether the complaint was false or malicious (inability to substantiate does not amount to malice).
- If the Respondent is found guilty, the IC shall recommend appropriate action to the Management, including any compensation to the Aggrieved Individual as per the provisions of the Act. The Management shall be bound to implement the IC's recommendations.
- Both parties have the right to appeal as per the Appeal provisions in this Policy.
- All signed acknowledgment letters, replies, statements, findings, and closure/clearance letters shall be filed in the employee's personal file.

Confidentiality

Maintaining confidentiality of the complaint, the complainant's identity, and the entire proceedings is of utmost importance. The IC shall ensure that information related to the complaint is restricted to IC members, unless disclosure to a relevant external party is deemed necessary. Physical copies of investigation reports shall be stored securely by IC members, and any electronic records shall also be appropriately protected.

Interim Relief

During the inquiry, upon a written request by the complainant, the IC may recommend to the employer:

- Transfer of either the Aggrieved Individual or the Respondent to another workplace;
- Grant of leave to the Aggrieved Individual for up to three months (in addition to entitled leave under the Leave Policy).

Harassment at Third-Party Workplace

In cases of harassment at a client, customer, vendor, or onsite location, the IC will actively assist and provide necessary resources to the complainant in pursuing the complaint and ensuring their safety.

Punishment for False or Malicious Complaint or False Evidence

- If a complaint is found to be false and malicious, the complainant shall be liable for appropriate disciplinary action.
- This does not apply to complaints made in good faith that are difficult to prove.
- Malicious intent must be established after due inquiry before any action is recommended.

Retaliation for Sexual Harassment Complaints

- The employer will safeguard complainants and witnesses from any form of retaliation.
- Strict penal measures will be imposed if it is established that the complainant or witnesses were subjected to retaliatory actions.

Appeal

- Either party has the right to appeal against the IC's recommendations within **90 (ninety) days**, as provided under the Act.

Annual Report

Under Section 21 and 22 read with Rule 14 of the Act, the annual report shall contain:

- Number of complaints received in the year;
- Number of complaints disposed of during the year;
- Number of cases pending for more than ninety days;
- Number of workshops or awareness programs conducted;
- Nature of action taken by the employer or District Officer.

This report shall be submitted annually to the Employer and the District Officer.

Amendments

The Company reserves the right to amend this Policy as required to ensure compliance with the PoSH Act, Rules, and other applicable laws.

Dissemination

- This Policy shall be provided to every employee at the time of joining, with written acknowledgment.
- Details of the IC shall be displayed prominently at all Company office premises.

Committee Members

- Roopa BN (Presiding Officer)
- Gargi Choudhury
- Sadakath Usman
- Karthik R
- Ankita Shetty (External Member)