National Securities Depository Limited

NSDL
Technology, Trust & Reach

# Policy for Positive Work Environment & POSH

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| | | | | 2. Gender Inclusive & Equitable approach.<br>3. Complaint Handling Timeline.<br>4. Dedicated email ID. |
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## 1. Introduction

a) NSDL is committed to fostering lawful and ethical conduct in the workplace. Integrity, honesty and respect for people are core values adhere to in achieving its objective.

b) NSDL is committed to providing a safe and conducive work environment to all its employees. It is expected that employees will treat each other, including third parties, at company premises with full fairness and respect and realize that his/her behavior will be attributed to the company and can affect its inward and outward reputation.

c) Every employee has the right to be protected against harassment, regardless of whether the accused considers his or her own behaviour to be normal or acceptable, and whether the harassed person has the opportunity to avoid harassment. Sexual harassment is a form of workplace harassment that affects the dignity of any person at work.

d) NSDL follows a zero-tolerance approach towards any form of sexual harassment, and encourage employees to speak up without fear. The focus is on prevention, awareness, and timely support, ensuring that any concerns are addressed in a fair, sensitive, and confidential manner.

## 2. Applicability

This Policy applies to all employees, regular or temporary, including contract employees, employees on deputation, probationers, trainees, and apprentices, whether in the office premises or outside while on assignment. Where sexual harassment occurs to an NSDL employee as a result of an act by a third party or outsider while on official duty, NSDL will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

## 3. Definitions

a) "Employer" is a person responsible for management, supervision and control of the workplace. "Company" or "Employer" in this policy means National Securities Depository Limited or NSDL.

b) "Act" in this policy means Sexual Harassment of Women at Workplace (Prevention,
Prohibition and Redressal) Act 2013 (read with amendments, if any);

c) "Rule/s" in this policy means Sexual Harassment of Women at Workplace (Prevention,
Prohibition and Redressal) Rules 2013.

d) "Policy" means NSDL's Policy for Positive Work Environment.

"Aggrieved woman" means a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent in relation to a workplace.

"Complainant" means any Aggrieved Woman who makes a complaint alleging sexual harassment under this Policy.

"Respondent" means a person against whom a complaint of sexual harassment has been made by an Aggrieved Woman under this Policy.

"Employee" means a person employed at the workplace for any work on a 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, apprentice, or called by any other such name.

## 4. What is Sexual Harassment?

Sexual harassment has been defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Criminal Law Amendment Act 2013 as under:

a) The following acts or behaviour shall constitute an act of sexual harassment-

i. physical contact and advances involving unwelcome and explicit sexual overtures; or
ii. a demand or request for sexual favours; or
iii. making sexually colored remarks; or
iv. forcibly showing pornography; or
v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

b) Under the Criminal Law Amendment Act 2013, sexual harassment is an offence punishable with imprisonment from 1 to 3 years or a fine.

c) The Act lays that.

i. No woman shall be subjected to sexual harassment at any workplace.
ii. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment, may amount to sexual harassment:

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

d) Virtual Harassment

Virtual Harassment or Cyber Bullying in context of Sexual Harassment can be classified in two dimensions.

1. First Category: If a victim receives unwelcome materials, text, e-mails, photographs, video from the harasser that may contain some explicit stuff and is against the modesty of a woman/individual and prohibited by law
2. Second Category: In this category, behavior's such as:
    - Spreading false rumors about the victim and commenting on the victim's sexuality.
    - Sharing offensive photographs of the victim against his/her will and consent.
    - Using derogatory words and statements in the favour of the victim on social platforms.
    - Uncomfortable talks/actions/gestures during online meetings and discussion during one-on-one or team meeting.
    - Stalking on social media platforms and giving outraging comments etc., photograph download and misuse of same in demeaning manner

e) Acts Constituting Misconduct & Assessment of Impact

- To determine if an employee's behavior could be unwelcome to another person, it is to be noted that "unwelcome" is decided by the recipient of the behaviour, not the person doing the behaviour. Therefore, it is the impact of behaviour, not the intent of the person who did the behavior, that determines if harassment has occurred.

- Unwelcome behaviours including but not limited to the following may be considered inappropriate:
    i. Ask for dates, or make sexual advances, propositions or demands for sexual favors including subtle or blatant expectations, pressure or requests for any type of sexual favour accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status, when it is clear or becomes clear that the overture is unwelcome.

ii. Display objects, pictures, magazines, cartoons, screen-savers, e-mails, or posters, or play or otherwise transmit videos, CDs, DVDs, broadcasts or engage in any other conduct that is sexually offensive, explicit or likely to make people of a particular race, religion, color, marital status, nationality, ethnic origin, disability, age, gender expression, gender identity, gender, veteran status or marital status or other protected class feel unwelcome. For example, an employee must not create or forward suggestive or offensive jokes, cartoons, letters, notes or invitations, whether by e-mail, voicemail or other means.

iii. Unwelcome touching, patting, pinching, attention to an individual's body, physical assault, impeding or blocking movement, or any physical interference with normal work or movement.

iv. Engage in inappropriate or threatening verbal, visual or physical conduct, such as those listed under what constitutes sexual and unlawful harassment above.

v. Make inappropriate statements concerning a person's race, religion, color, marital status, nationality, ethnic origin, disability, age, gender expression, gender identity, gender, veteran status or marital status, or inappropriate statements of a sexual nature, such as comments about an individual's body or appearance or intrusive questions or comments.

vi. Threaten or engage in retaliation after an unwanted overture or inappropriate conduct is rejected, or in response to the reporting of such conduct.

- Additionally, the Company does not tolerate harassment in any form—based on race, religion, color, marital status, nationality, ethnic origin, disability, age, gender, gender expression, gender identity, veteran status or marital status or any other basis proscribed by applicable law.

- The organization adopts a gender-inclusive and equitable approach to workplace safety. While this Policy is framed in accordance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Organization is equally committed to extending a safe and respectful work environment to all individuals, including persons of all genders.
- The statutory provisions of POSH Act 2013 and the policy are applicable to women. In case of complaints filed by a male employee, then such complaints shall be dealt with in accordance with the NSDL Staff Rules.

**5. The Internal Complaints Committee ("IC")**

a) The Company has created an Internal Committee consisting of four internal members and one external member (i.e., NGO partner). The presiding officer will be a senior woman official of the Company, and there will be adequate representation of women in the Committee with at least one male member. Two members amongst the employees will be from a legal background. There is one external member with proven track record of work in this area and for the cause of women. (The quorum for the meeting of the Internal Complaints Committee shall be a minimum of three members, with the external members' presence being mandatory.)
**Services of the above NGO partner will be availed by IC for all cases*

b) To prevent instances of sexual harassment and *to* receive and effectively deal with complaints pertaining to the same, Internal Committees (IC) of the Company shall also handle complaints in relation to all administrative units/offices of the Company. The detail of the Committee is notified to all covered persons at the location (workplace). The Committee will be responsible for:

i. Receiving complaints of sexual harassment at the workplace
ii. Initiating and conducting an inquiry as per the established procedure
iii. Submitting findings and recommendations of inquiries

iv. Coordinating with the employer in implementing appropriate action
v. Maintaining strict confidentiality throughout the process as per established guidelines
vi. Submitting annual reports in the prescribed format

The composition of the Internal Committee (IC), including the names and details of its members, shall be uploaded on Ngage and shall be updated promptly whenever there is any change in the constitution of the Committee.

**6. Complaint**

a) A complainant who alleges to have been subjected to an act of sexual harassment may make, in writing, a complaint of sexual harassment at the workplace to the IC.

b) Where such complaint cannot be made in writing, the Chairperson or any Member of the IC as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

c) Where the complainant 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 complainant.

d) Where the complainant is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:

    i. her relative or friend; or
    ii. A special educator; or

iii. A qualified psychiatrist or psychologist; or

iv. The guardian or authority under whose care she is receiving treatment or care; or

v. Any person who has knowledge of the incident jointly with her relative or friend, or a special education or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.

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

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

6.1. Manner of inquiry into complaint

a) Time period for making a complaint : A complaint of sexual harassment should be made within three (3) months from the date of the incident, or from the date of the last incident in case of a series of incidents. The Internal Committee may, for reasons to be recorded in writing, extend this timeline by a further period not exceeding three (3) months, if it is satisfied that the circumstances prevented the complainant from filing the complaint within the prescribed time.

b) At the time of filing the complaint, the complainant shall submit a written complaint to the IC through email id (*pwe_depository@nsdl.com*), along with supporting documents and the names and addresses of the witnesses.

c) On receipt of the complaint, the IC shall send one of the copies received from the complainant under sub-rule (1) to the respondent within a period of seven working days.

d) The respondent shall file his reply to the complaint along with his list of documents, and name/s and address/s of witness/s, within a period not

exceeding ten working days from the date of receipt of the documents specified under sub-rule (1).

e) The IC shall make an inquiry into the complaint in accordance with the principles of natural justice.

f) The IC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the chairperson or presiding officer, as the case may be : Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

g) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.

h) In conducting the inquiry, a minimum of three members of the IC including the presiding officer or the chairperson, as the case may be, shall be present.

### 6.2. Redressal Mechanism – Formal Intervention

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.

### 6.3. Proactive Intervention and Organizational Action

NSDL acknowledges its responsibility to provide a safe working environment, and may take appropriate action even in the absence of a formal complaint, particularly where:

- The conduct impacts workplace safety or culture through repeated behavioral concerns or patterns indicating potential misconduct
- Incidents observed directly by management or IC members
- Information received through informal channels, third-party reports, or bystander observations

- There is a potential risk to employees
- The alleged respondent is a third party (e.g., vendor, client, consultant)

In such cases, NSDL may take proportionate actions, including advisory measures, restriction of access, or escalation to relevant authorities, as deemed appropriate.

## 7. Conciliation Prior to Inquiry

a) The IC, may, before initiating inquiry at the request of the complainant take steps to conciliate and resolve the matter between the complainant and the respondent through conciliation, only if requested by the complainant.
b) Where a settlement has arrived, the IC shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation.
c) The IC shall provide copies of the settlement as recorded, to the complainant and the respondent.
d) Where a settlement has arrived, no further inquiry shall be conducted by IC.

## 8. Inquiry to Complaint

a) Where no settlement is arrived at, the IC shall proceed with the inquiry.
b) The inquiry shall be completed within a period of 90 ninety days.
c) On receipt of such a complaint, following timelines shall be followed:

| Stage | Action | Timeline |
|---|---|---|
| 1. Complaint | Written complaint to IC | Within 3 months (extendable by 3 months) |
| 2. Notice | IC shares complaint with respondent | Within 7 working days |
| 3. Response | Respondent submits response with supporting documents | Within 10 working days |
| 4. Inquiry | IC completes inquiry | Within 90 days |

| | | |
|---|---|---|
| 5. Report | IC submits findings | Within 10 days of inquiry completion |
| 6. Action | Employer acts on IC recommendations | Within 60 days |
| 7. Appeal | Either party may appeal | Within 90 days |

**9. Interim relief**

The IC shall, during the pendency of the inquiry, recommend to the Company to

a) transfer the complainant or the respondent to any other workplace; or
b) grant leave to the complainant; or
c) restrain the respondent from reporting on the work performance of the complainant or
d) writing her confidential report, and assign the same to another officer or
e) grant such other relief to the complainant as may be prescribed or justified in the circumstances. The leave granted to the complainant under this section shall be in addition to the leave she would be entitled to otherwise if the case is proved.

**10. Inquiry Report**

a) On completion of the inquiry, the IC shall provide a report of its findings to the Employer and such report be made available to the concerned parties.

b) Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Employer that no action is required to be taken in the matter. Further, the committee ensures that both parties understand that the matter has been fully investigated and is now concluded.

**11. Disciplinary Action**

a) Where any misconduct is found by the IC, appropriate disciplinary action shall be taken against the respondent in accordance with the staff rules, which may include,

but i not limited to a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

b) The Company is required to act upon the recommendations within 60 days and confirm to the committee.

c) Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily, and if no victimization of either party is occurring.

**12. Punishment for false or malicious complaint and false evidence**

a) Where the IC comes to the conclusion that the complaint was false or malicious, it may recommend that the Employer take action against the complainant in accordance with the service rules, which may include, but not limited to, a written warning, demotion, transfer, suspension, or dismissal.

b) Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

c) Provided further that the malicious intent or falsehood on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

**13. Confidentiality**

The company encourages an environment in which individuals are unafraid to discuss concerns and make complaints, and hence, all information received shall be kept confidential. The identity of the complainant, respondent, witnesses, statements, and other evidence obtained in the course of the inquiry process, recommendations of the committees, and action taken by the Employer are considered confidential materials and not published or made known to public or media. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

**14. Protection against retaliation**

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. While dealing with complaints of sexual harassment, the IC shall ensure that the complainant or the witness is not victimized or discriminated against by the respondent. Any unwarranted pressures, retaliatory, or any other type of unethical behaviour from the respondent against the complainant while the investigation is in progress should be reported by the complainant to the ICC as soon as possible. Disciplinary action will be taken by the Employer on the basis of the recommendation submitted by the IC against any such complaints .

**15. Documentation**

a) The IC shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainants' and the respondents' files with the full report of the IC.

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

i. Number of complaints of Sexual harassment received in the year
ii. Number of complaints disposed of during the year
iii. Number of cases pending for more than 90 days
iv. Number of workshops or awareness programs against Sexual Harassment carried out
v. Nature of action taken by the employer or District Officer

**16. Dissemination of the Policy**

a) 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.

**17. Roles and Responsibilities of Employees**

a) It is the responsibility of all to respect the rights of others and to never encourage harassment.

b) It can be done by:

i. Refusing to participate in any activity that constitutes harassment.
ii. Supporting the person to reject unwelcome behaviour.
iii. Acting as a witness if the person being harassed decides to lodge a complaint.

**18. Awareness**

a) Awareness sessions are to be organized to:

i. Formulate and widely disseminate an internal policy or charter or resolution or declaration for 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.
ii. Carry out orientation programs and seminars for the Members of the IC.
iii. Conduct capacity building and skill building programs for the Members of the IC.
iv. Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

**19. Appeal**

Any party, not satisfied or aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the

Act, within 90 days of the recommendations being communicated. In the case of Maharashtra, the appellate authority shall be Industrial Courts.

**20. Review of this Code**

This policy shall be reviewed annually. In case there are any changes in law requiring modifications to this Policy, the Policy shall be reviewed and amended accordingly. However, the amended law will supersede this Policy till the time it is suitably amended.