



## **Prevention of Sexual Harassment at Workplace**

Revision No.:- 2.1

Ref No. HRD/OD/042/01.05.2008

(W.E.F: 01.02.2024)

### **Newgen Software Technologies Ltd.**

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**Revision History: Ref No HRD/OD/042/01.05.2008**

<b>Release Date</b>	<b>Revision No</b>	<b>Changes Summary</b>	<b>Approved By</b>
01.05.2008	Rev no. 1.0	1. Establishment of Sexual Harassment Policy	T.S.Varadarajan (Director)
01.12.2013	Rev no. 2.0	1. Policy revamped in terms of name, structure, language & other controls. 2. Objective and Scope statement revisited. 3. The previous version of the policy was only a process or procedure. This release is a policy including incident reporting and redressal process as per the Sexual Harassment Act 2013 and subsequent updates released.	Diwakar Nigam (M.D)
01.02.2024	Rev no. 2.1	1. Updated Logo. 2. Renaming the policy from 'Prevention of Sexual Harassment of Women at the Workplace' to 'Prevention of Sexual Harassment at Workplace' and making the policy 'gender neutral' in text and tone, as practiced in action and spirit. 3. Removal of reference to Act of Prevention of Sexual Harassment of Women at Workplace, 2013 to make the policy applicable across subsidiaries. 4. Inclusion of global applicability under the Scope (Para 3. a) and Composition of IC (Para 6. c. iii) 5. Inclusion of amendment on online sexual harassment dated 01.04.2020. 6. Removal of informal means to raise complaints. 7. Inclusion of Method of Reconciliation, Conflict of Interest, Law of Natural Justice and Penalty. 8. Inclusion of Awareness & Training practices (Para 6. e)	Vivek Mani Tripathi (HR Head)

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## **1. Introduction:**

At Newgen, we prioritize fostering a safe and inclusive work environment for all employees. Our commitment to creating a workplace free from any form of sexual harassment is underscored by our zero-tolerance policy towards such acts. Recognizing the importance of ensuring the well-being of every individual in our organization, we have crafted a comprehensive prevention of sexual harassment (POSH) Policy that is not only compliant with legal requirements but also emphasizes a gender-neutral approach, lending a 'zero tolerance' approach towards any element of sexual harassment at the workplace.

This policy is a testament to Newgen's dedication to cultivating a workplace where every employee feels respected, protected, and empowered. We firmly believe that by upholding the principles outlined in this policy, we can collectively contribute to a professional environment that promotes dignity, equality, and mutual respect. As we embark on this collective journey, we encourage all employees to familiarize themselves with the provisions outlined in the POSH Policy and actively participate in creating a workplace that stands against any form of sexual harassment. All employees are urged to uphold the values of Newgen and ensure a workplace that is safe, supportive, and conducive to the professional growth of each member of our diverse team.

## **2. Objective:**

Newgen Software Technologies Limited (hereinafter referred to as "the Company") is dedicated to treating all employees and prospective employees with equal consideration. The Company operates as an equal employment opportunity enterprise and is committed to establishing a conducive work environment that allows employees to carry out their duties without fear of bias, gender discrimination, or sexual harassment. The organization endeavours to cultivate an atmosphere in which women are treated with respect and integrity. Sexual harassment, whether transpiring within the workplace or elsewhere and involving employees, is a severe transgression and shall be subject to appropriate punishment.

The policy is designed with the aim to:

- a. To provide employees with safeguards against sexual harassment in the workplace and establish mechanisms for addressing and resolving complaints related to sexual harassment.
- b. To foster a productive work environment and establish a professional culture within Newgen where every employee is treated with respect and dignity, irrespective of their sex or gender

preference.

- c. To not tolerate any form of verbal or physical sexual misconduct that may cause harassment, disruption, or interference with an individual's work performance, or create an intimidating, offensive, or hostile environment within Newgen.
- d. To formulate guidelines and regulations governing such behaviour in compliance with the prevailing laws of the country, to address grievances related to sexual harassment.
- e. To promptly and objectively respond to any complaints about sexual harassment, taking decisive action to eradicate any traces of harassment and imposing appropriate corrective measures, including disciplinary actions and legal recourse when warranted.
- f. To establish an unbiased and impartial platform for addressing and resolving complaints of a similar nature, while ensuring the confidentiality of the incident, records, and the identities of individuals involved, whether they be the complainant, Respondent, witness, or any other employee associated with the reported incident, whether formally or informally.

### **3. Scope:**

- a. This policy applies to all employees of Newgen Software Technologies Ltd and its subsidiaries globally, irrespective of their gender or sex (male, female, transperson or intersex), of the company and is considered an integral part of their employment terms, effective immediately. The policy also extends to visitors, customers, and vendors who come into contact with the company premises and/or its employees.
- b. This policy applies to all employees whether appointed directly or indirectly by Newgen Software Technologies Limited or its subsidiaries immediately upon appointment.
- c. The policy is solely associated with an act of sexual harassment. Other employee grievances may be addressed through various other means established by Newgen to safeguard the



interest of the employees and to provide a psychologically safe workplace.

- d. It also covers an act of sexual harassment that may occur in person or a virtual setup.

#### 4. Abbreviations:

Sr. No	Abbreviation	Description
1.	POSH	Prevention of Sexual Harassment
2.	SH	Sexual Harassment
3.	NGO	Non-Government Organization
4.	ICC	Internal Complaints Committee
5.	DAC	Disciplinary Action Committee
6.	Company	Newgen Software Technologies Limited

#### 5. Definitions:

- a. *Sexual Harassment*: Sexual harassment is a form of unwelcome conduct of a sexual nature that creates a hostile, intimidating, or offensive environment for the recipient. It is recognized as a violation of an individual's rights and can have serious psychological, emotional, and professional consequences. Key elements of sexual harassment include:
  - b. *Unwelcome Conduct*: The behaviour must be unwelcome, meaning that the recipient did not invite or consent to your actions. What might be acceptable to one person could be unwelcome and offensive to another.
  - c. *Sexual Nature*: The conduct involves actions, comments, gestures, or advances of a sexual nature. This can include verbal, non-verbal, or physical behaviour that is sexual in intent or effect.
  - d. *Creating a Hostile Environment*: Behavior creates an environment that is intimidating, hostile, or offensive for the person experiencing it. This can interfere with the individual's ability to perform their job or participate in an educational program.
  - e. *Misconduct under Sexual Harassment (SH)* would mean, and include, but is not limited to, the following:
    - Any unwelcome sexual advances, requests, or demands for sexual favours, either

explicitly or implicitly.

- Any unwelcomed sexual advances may also involve verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, emails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, communication which offends the individual's sensibilities and affect her/his performance.
  - Any form of physical assault is committed when a person uses the body or any part of it or any object as an extension of the body with another person without the latter's consent or against that person's will (sexual in nature).
  - A conduct by a person which creates an environment at the workplace hostile or intimidating to a person (Hostile Work Environment) or as a preferential or threatening act on submission or denial to such an act (Quid Pro Quo).
  - Any unwelcome gesture by an employee to others (including peers) having sexual overtones.
  - Following circumstances, among others act and/or behaviour, may also amount to sexual harassment:
    - Implied or explicit promise of preferential treatment in employment
    - Implied or explicit threat of detrimental treatment in the employment
    - Implied or explicit threat about present or future employment status
    - Interference with work or creating an intimidating offensive or hostile work environment
    - Humiliating treatment likely to affect health and safety
- f. *Medium of Harassment:* Medium of harassment may either be in person, virtual or digital. For employees working from home or any other remote working environment or while using video conferencing tools such as MS Teams, GoToMeeting, WhatsApp, or any other tools, such harassment may be elicited out of an act of:
- Sexual advances or inappropriate comments, sexually offensive jokes/remarks,

gender stereotypes or discriminatory views, and other hostile behaviours.

- Memes, jokes, and comments or inappropriate and offensive or discriminatory subjects such as jokes shared on a video call to “lighten the mood” and to “build camaraderie”.
  - Inappropriate dress: Staff must never attend any business calls while in vests or inappropriate T-shirts with suggestive phrases on them. Discussion on the appearance or attire of a colleague that may make them uncomfortable must be avoided.
  - Overfriendly, personal, or casual talks with women, especially on extended discussions that are not relevant to the business.
  - Inappropriate background or presence of objectionable items/pictures in the background or posters on the wall with provocative content that can cause discomfort to others while teleconferencing.
  - Sending messages at inappropriate hours, especially if they are not urgent or not related to the business.
  - Any other form of sexual harassment done or attempted during remote working or working from home.
- g. *Employee* means any person on the rolls of the Company globally including those on deputation, contract, temporary, part-time, third party, or working as consultants or trainees, irrespective of their gender sex or sexual orientation.
- h. *Intersex*: Intersex is a term used to describe a variety of physical conditions in which an individual's reproductive or sexual anatomy does not fit typical definitions of male or female. Intersex variations can manifest in various ways, such as differences in chromosomes, hormones, or genitalia. It's important to note that being intersex is a natural and normal biological variation, and individuals with intersex traits are as diverse as any other group.
- i. *Transgender*: Transgender is an umbrella term that describes individuals whose gender identity differs from the sex they were assigned at birth. Gender identity is a deeply felt sense of being male, female, or another gender, and may not necessarily align with the sex characteristics one is born with. Transgender people may choose to undergo social, medical, or legal processes to align their gender expression and identity with their affirmed gender. It is important to respect



and affirm each person's gender identity, recognizing that gender is a spectrum and not limited to the binary understanding of male or female.

- j. *Complaint:* A complaint is a formal or informal expression of dissatisfaction, concern, or grievance brought forward by an individual or group of individuals regarding a specific issue, situation, or matter. Complaints are typically made when someone believes that their rights have been violated, they have been subjected to unfair treatment, or they have experienced an issue or problem that requires attention or resolution.
- k. *Complainant:* The individual who lodges a formal complaint regarding a specific issue or grievance, which is sexual harassment in this case.
- l. *Respondent:* The individual or party against whom the complaint is filed, and who is required to respond to the allegations or charges made by the complainant, which is sexual harassment in this case.
- m. *Sexual Harassment Related Complaint:* A complaint on sexual harassment is a formal communication or report made by an individual who believes they have been subjected to unwelcome and offensive sexual advances, conduct, or behaviour in the workplace or another setting. Such a complaint typically outlines the specific incidents or behaviours that constitute the alleged harassment and may include details such as dates, times, locations, individuals involved, and any witnesses. The purpose of filing a complaint on sexual harassment is to seek intervention, investigation, and resolution of the harassment, with the ultimate goal of stopping the offensive behaviour and ensuring a safe and harassment-free environment for the complainant and others.
  - *Synonymous Complaint:* A synonymous complaint is a type of complaint made by an individual who, while choosing to maintain their own confidentiality, provides enough information or details for the Internal Committee (IC) or relevant authorities to initiate an investigation into alleged misconduct or harassment. In a synonymous complaint, the identity of the complainant is known to the IC or authorities, but it is kept confidential from other parties involved.
  - *Anonymous Complaint:* An anonymous complaint refers to a situation where an individual reports an incident of misconduct or harassment without disclosing their identity. In an anonymous complaint, the identity of the complainant is intentionally withheld from the Internal Committee (IC) or relevant authorities. The complaint is

typically made in a manner that does not reveal the identity of the person making the report.

- n. *Confidentiality*: Confidentiality refers to the practice of keeping information, discussions, or data private and secure, limiting access to only those individuals who have a legitimate need to know. In the context of sexual harassment, confidentiality means that when someone reports an incident or files a complaint, their identity and the details of the complaint are protected and shared only with those individuals directly involved in the investigation or resolution process. This helps create a safe space for individuals to come forward with concerns, knowing that their privacy will be respected. Any breach of confidentiality can have serious consequences.
- o. *Retaliation*: Retaliation refers to negative actions taken against someone for asserting their rights or reporting wrongdoing. In the context of the Sexual Harassment Act, retaliation involves adverse treatment of a complainant or witness after filing a sexual harassment complaint, which is prohibited by the law.
- p. *Principle of Natural Justice*: The principle of natural justice refers to the fundamental procedural fairness and justice that should be inherent in any legal or administrative decision-making process. It is a concept that underpins the rule of law and ensures that individuals are treated fairly, impartially, and without bias. The principles of natural justice serve as a safeguard against arbitrary or unjust actions by authorities, tribunals, or decision-makers. There are two main principles of natural justice:
  - *The Principle of Audi Alteram Partem (Right to be Heard)*: This principle dictates that no person should be condemned or adversely affected by a decision without having been given a fair opportunity to present their case. It involves the right of an individual to know the case against them, to be informed of the evidence or allegations, and to have an adequate chance to respond, provide evidence, or present arguments. The decision-maker must give the parties involved a reasonable opportunity to be heard before reaching a decision.
  - *The Principle of Nemo Judex in Causa Sua* (No one should be a judge in his own cause): This principle requires that the decision-maker should not have a personal interest in the outcome of the case or be biased. It ensures an impartial and unbiased decision-making process. It prohibits decision-makers from adjudicating on matters in which they have a direct or indirect personal interest or where there is an apprehension of bias. This principle

aims to maintain public confidence in the integrity of the decision-making process.

- q. **Conflict of Interest:** Conflict of interest refers to a situation in which a person or entity involved in a decision-making process may be influenced, either consciously or unconsciously, by personal, financial, or other interests that could compromise their objectivity, impartiality, or integrity. To address and mitigate the potential impact of conflicts of interest within the context of an investigation or review, it is mandated that any member of the Investigation Committee (IC) shall refrain from participating in the investigation or review of a case in the event of a conflict of interest. The Disciplinary Action Committee (DAC) cannot lower the disciplinary recommendations issued by the IC. The policy dictates that if a member of the IC or DAC has a conflict of interest, whether real or perceived, related to the case under consideration, they must recuse themselves from the investigative or review process. A conflict of interest may arise from financial interests, personal relationships, or any other circumstances that could compromise the impartiality and fairness of the proceedings. By abstaining from involvement in cases where a conflict of interest exists, committee members uphold the principles of natural justice and maintain the integrity of the decision-making process. This commitment underscores the organization's dedication to fostering a rigorous and unbiased approach to handling cases and reinforces employee's trust in the integrity of the investigative and decision-making procedures.

## 6. Policy Guidelines & Implementation:

### a. Mode of Complaints:

- i. **Written Complaint:** All complaints must be made in writing to POSH Cell at [poshcell@newgensoft.com](mailto:poshcell@newgensoft.com). In case the complaint is sent to members of HRD or any member of the Management, it is the responsibility of the person to whom the complaint has been made to forward the case to POSH Cell in writing. The complaint must be made within a maximum period of three months from the date of the incident/last incident in case of a repeat or series of such incidents.
- ii. **Verbal Complaint:** It shall be the duty of the authority or the person before whom the verbal complaint is made, to reproduce the said complaint in writing and/or read out the complaint to the Complainant in the language understandable by the Complainant and obtain the signature of the Complainant. The documented complaint shall then be



submitted to POSH Cell so that further actions can be taken.

**Note:** Newgen understands and is empathetic to the fact that not every individual finds it easy to come forward and report incidents of harassment. We recognize that speaking out against harassment can be a challenging and sensitive process. We are committed to creating a supportive environment where employees feel safe and empowered to report any form of misconduct or harassment, whether as a direct victim or as a witness. In general, complaints later than three months from the last incident of occurrence may not be considered by the Committee. However, in certain cases, wherever substantiated by the Complainant, a complaint later than three months shall also be considered by the IC for investigation. It is at the discretion of the POSH cell to investigate any anonymous or synonymous complaint received.

- iii. An anonymous complaint may be acted upon at the sole discretion of POSH Cell and/or the Disciplinary Action Committee (DAC).

**b. POSH Cell and its Role at Newgen:**

- i. **Legal and Regulatory Compliance:** The POSH Cell is primarily responsible for ensuring that Newgen complies with all legal and regulatory requirements, and any other relevant laws or guidelines.
- ii. **Policy Development and Implementation:** The POSH Cell is responsible for developing, updating, and implementing the company's policies and procedures related to preventing sexual harassment. Modifications, if any, be made on a need basis.
- iii. **Training and Awareness:** The POSH Cell conducts training and awareness programs for all employees to educate them about the organization's policies and their rights and responsibilities regarding sexual harassment prevention.
- iv. **Documentation and Record-Keeping:** They maintain detailed records of all complaints received, actions taken, and investigations conducted. This includes keeping records of the annual reports and supporting documents.
- v. **Coordination:** The POSH Cell serves as the central coordination point for all sexual harassment-related matters within the organization. They communicate with the investigating Internal Committee (IC), the Disciplinary Action Committee (DAC), and



other relevant stakeholders.

- vi. **Confidentiality:** Ensuring the confidentiality of all information related to complaints, including the identities of those involved, is a critical responsibility of the POSH Cell.
- vii. **Reporting:** They prepare and submit the quarterly report to the Board of Directors and other authorities as required.

**c. Internal Committee (IC) and its Role at Newgen:**

**i. Composition of the IC -India:**

- Composition of IC The Presiding Officer must be a Senior Female employee from the Organization.
- Members of POSH Cell as well as IC shall be nominated by the Management
- A person from a third party, either an NGO or another body is familiar with the issue of Sexual harassment.
- The Committee shall have at least three members out of which at least one-half of the total members shall be female employees. A quorum of 50% of members is required to be present for the proceedings to take place.
- The Committee shall be, wherever feasible, made locally in all locations having ten or more employees
- The members of the Committee shall be appointed by the Management, for a maximum period of three years, after which a new Committee member shall be appointed. The previous committee members may be reappointed, but not for more than two terms.
- All members of the Committee shall be appropriately trained on the subject.
- In the case of a complaint by a male or transgender person, the composition of the Internal Committee (IC) including members who are sensitive to the impact of such harassment on the said complainant and alter the composition to ensure an unbiased investigation, based on the law of natural justice. However, the

process of investigation shall largely remain the same.

- The details of the complaints are confidential and if any member of the Committee, be it the Presiding Officer, discloses any details of the same to the media or press or makes it public in any way, will be liable for immediate disqualification from the Committee. Further, suppose any member has been convicted or Respondent of any offence under any law, has been found guilty in any disciplinary proceeding/has a disciplinary proceeding pending against him/her/them as per any law or has abused his/her position in any manner. In that case, he/she/they shall be removed from the Committee.
  - To inquire, the Committee shall have similar powers to a civil court – it can summon and enforce the attendance of any person, examine him/her on oath, order the production of documents, etc.
  - The IC must make a detailed report on all the written complaints received and findings about the investigation and shall submit the same to the POSH Cell. POSH Cell shall review the case and submit its recommendations to DAC to take corrective action.
  - While there is a dedicated IC established for each office location with more than 10 employees, a collaborative IC may be established for virtual investigations, as deemed fit by the POSH Cell.
  - In case of a shortfall of established location IC, IC members from alternate locations may participate in person or virtually as deemed necessary.
  - In case the complaint is raised by an employee other than a woman, an appropriate IC will be established to ensure a suitable inquiry. Such IC may be presided over by a person of the same gender or as deemed fit by the POSH Cell.
- ii. **Composition of IC for Newgen Subsidiaries:** Composition of the IC in case the complaint is raised from a Newgen subsidiary will be appointed as per the local laws of the land.
- iii. **Role and Responsibilities of the IC:**
- **Complaint Handling:** The IC is responsible for receiving and processing

complaints related to sexual harassment. This includes conducting investigations into the complaints.

- **Investigation:** They conduct fair and impartial investigations into the complaints they receive. This includes interviewing the complainant, Respondent, and witnesses, collecting evidence, and documenting findings.
- **Confidentiality:** Ensuring the confidentiality of all information related to the complaint is a fundamental duty of the IC.
- **Recommendations:** Based on the findings of their investigations, the IC makes recommendations to the POSH Cell regarding the appropriate disciplinary actions to be taken against the Respondent, if necessary.
- **Support to Complainants:** The IC provides support to complainants throughout the process, ensuring they are not subjected to any retaliation for reporting harassment.
- **Conciliation:** In some cases, if both parties are willing, the IC may attempt to facilitate a resolution through conciliation. Monetary settlements are not allowed through conciliation.
- **Documentation:** They maintain records of all complaints and investigations they conduct.
- **Timely Reporting:** The IC submits its findings and recommendations to the POSH Cell promptly, allowing the POSH Cell to take the case to the DAC for further action.

**d. Complaint Redressal Process:**

- i. Newgen encourages a formal approach to address all sexual harassment-related complaints, as in any case misconduct of a sexual nature at the workplace is considered a serious offence. Such a complaint should be made to POSH Cell in writing through an email sent to [poshcell@newgensoft.com](mailto:poshcell@newgensoft.com).
- ii. If a complaint is lodged with any other authority, the recipient is obligated to promptly relay the complaint to the POSH Cell while keeping the complainant informed

throughout the process.

- iii. The Liaison Officer / POSH Cell acknowledges receipt of the complaint within 72 working hours.
- iv. The complaint shall then be routed to the geography-specific IC through the POSH Cell for further investigation. The formal process followed by the POSH Cell is laid out as follows:
  - ii. POSH Cell, within 72 hours of acknowledging the complaint, shall initiate a preliminary investigation by discussing with the Complainant to establish if the case falls under POSH or any other grievance management process.
  - iii. Upon confirmation, the POSH cell appoints the members of the IC from a pre-trained location IC Members.
  - iv. The IC initiates its process of investigation by holding a meeting with the Complainant within five working days of the receipt of the complaint but not later than a week in any case.
  - v. The IC may share a list of questions they may seek more clarity on with the Complainant which must be submitted by the Complainant to the IC before the investigatory session with the Complainant.
  - vi. The Complaint shall also be shared with the Respondent before the trial. The Respondent is expected to submit the response to the IC before the investigatory session with the Respondent.
  - vii. At the first meeting, the IC shall hear the Complainant and record the allegations. The Complainant can also submit any corroborative material with documentary proof, verbal, or written material, etc., to substantiate his/her/their complaint. Post inquiry with the Complainant, the entire outcome of the meeting will be thoroughly discussed by the committee members. Based on the committee discussion, a further course of action will be executed. This may include the identification of specific questions to be asked of the Respondent.
  - viii. Subsequently, the Respondent is called for a deposition before the Committee, and an opportunity will be given to him/her to give an explanation, whereafter, an "Inquiry"



shall be conducted and concluded. The outcome shall be decided based on the investigation.

- ix. Both, the Complainant and/or the Respondent may choose to present witnesses, if any. The IC must take cognizance of such requests for a thorough and fair investigation.
- x. Statements in the case of in-person meetings and video recordings in the case of virtual meetings are essential to be maintained by the IC.
- xi. The IC must seek to resolve the issue by way of conciliation if the complainant so wishes. However, no monetary settlement can be the basis of the conciliation. If there is a settlement, a report must be sent by the Committee to the DAC to take action on the recommendations of the Committee. In such cases, the IC may not proceed with the inquiry. However, such cases also have to be reported in the annual report submitted to the Govt. All conciliations must be registered in the annual reports, and a copy of the same shall be shared with the Complainant and Respondent as well.
- xii. Basis the pendency of the enquiry, the IC may decide to transfer the Complainant or the Respondent to any other work location or grant a leave to the Complainant for up to 3 months in addition to the regular statutory/contractual leave entitlement, as an intern measure, or recommend work from home, if the case so requires.
- xiii. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action, in case it is established through an inquiry that the complaint was made with malicious intent or knowingly incorrect information/ forged documents were submitted by the complainant. Mere inability to substantiate a complaint or provide adequate proof need not attract any action against the complainant.
- xiv. In case the allegations have been established, POSH Cell shall release a Show-cause notice to the Respondent, allowing him to establish why disciplinary action is not initiated. The Show-cause notice be issued within seven days from the date of receipt of the investigation report.
- xv. In case the Respondent shares additional evidence as his response to the Show Cause Notice, such evidence may be considered by the IC before it submits its final report to

the DAC for implementation of the action.

- xvi. DAC shall act on the recommendations at the earliest and not later than 60 days. The concerned HR Leader of the Respondent's group should execute the disciplinary action.
- xvii. **Possible consequences if the allegations have been proved:** In such a case where allegations of sexual harassment have been proved, Newgen is committed to taking appropriate disciplinary action against the accused person as per Newgen's Disciplinary Action Protocol and/or as per the local laws of the land depending on the severity of the misconduct. However, in a case where a complaint is found to be malicious in content or intent, disciplinary action may be initiated for raising a false complaint. Newgen recognizes the importance of ensuring fairness in its approach to such situations. One or more of the following actions, but not limited to those mentioned below, may be initiated in line with the local laws and/or Newgen's Disciplinary Action Protocol:
- **Advisory:** The Respondent may be provided with advisory counselling on appropriate workplace behaviour, emphasizing the importance of maintaining a respectful and harassment-free environment.
  - **Counselling:** The Respondent may be required to undergo counselling sessions to address their behaviour and ensure they understand the seriousness of their actions. The counselling aims to prevent future incidents.
  - **Seeking a written apology:** The Respondent may be asked to provide a written apology to the complainant as a sign of acknowledgement of their wrongdoing and to help in the healing process.
  - **Transferring the Respondent:** Depending on the severity of the harassment and the circumstances, Newgen may choose to transfer the Respondent to a different work location or department to prevent further contact with the complainant.
  - **Payment of fine or deduction of the Respondent's salary:** As a disciplinary measure, the Respondent may be required to pay a fine or face a salary deduction as a consequence of their actions such as a 10% deduction in salary every month

or in lumpsum for one year.

- **Withholding increments/ promotions with or without cumulative effects:** The Respondent's increments and promotions may be withheld, either temporarily or permanently, as a consequence of their behaviour. This may include cumulative effects, such as delayed career progression.
  - **Reversion to the previous designation, reduction to a lower grade or post:** In severe cases, the Respondent may be reverted to their previous job designation or reduced to a lower grade or post within the organization.
  - **Written warning, censure:** The Respondent may receive an official written warning or censure, highlighting the misconduct and emphasizing adherence to company policies and ethical behaviour.
  - **Termination of services:** In cases of serious or repeated harassment, the Respondent may face termination of their employment with Newgen. This is a significant consequence reserved for the most severe instances of misconduct with negative background verification.
- xviii. Newgen reserves the right to impose fines or penalties on the Respondent as deemed appropriate by the DAC. It's crucial to maintain a balanced approach that ensures fairness to both parties involved—those who have been wronged by harassment and those who may face false accusations. Newgen is committed to upholding the principles of justice and fairness throughout the complaint redressal process.
- xix. A copy of the disciplinary action initiated must be uploaded in the DAP Tracker as well as be placed in the personal records of the Complainant as well as the Respondent respectively, and the originals be submitted to the POSH Cell to be incorporated in the investigation report.
- xx. A photocopy of any apology letter is sent to the Complainant, if applicable, along with the investigation report and action taken by Newgen.
- xxi. If the harassment is grave, Newgen is bound to inform relevant authorities to institute penal action, as prescribed by the laws of the land within 7 days of the act of offence

identified.

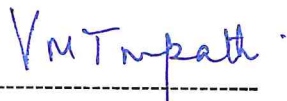
- xxii. Counselling sessions for the Complainant may be provided on a need basis.
- xxiii. Retaliation in any form will be viewed seriously. Any case of retaliation wherein the complainant feels victimized in response to the complaint will be investigated as a harassment case and disciplinary action taken appropriately. The Committee holds the rights of a Civil Court and may summon an individual or documents related to the case. In case the individual is external to the organization, the Committee may seek the support of local police authority to conduct an enquiry.
- xxiv. The enquiry shall be completed within 90 days of the date of receipt of the complaint.
- xxv. All cases received in writing must be addressed and filed in the Company's records and must be submitted to the district officer or the Ministry of Women & Child Welfare at the end of each calendar year.

**e. Training & Awareness:**

- i. All new joiners must undergo a POSH awareness program during their Newgen Borad Spectrum Orientation (NBSO)
- ii. Subsequently all employees shall undergo a refresher at least once a year.

For any queries or concerns related to this policy, please contact POSH Cell at [poshcell@newgensoft.com](mailto:poshcell@newgensoft.com).

For Newgen Software Technologies Ltd



**Vivek Mani Tripathi**  
(Vice President – HRD)