



Anti Sexual Harassment Policy

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1	Amarpreet Kour Dutta	Saachi Sachdev	01-12-2022
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I. POLICY OBJECTIVE

This policy has been formulated in accordance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder ("POSH Act" and "POSH Rules," respectively) in 2013, with the aim of fostering a work environment free from sexual harassment and addressing its prevention and redressal for all employees of the company in India.

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the statutory protection under the POSH Act is applicable to women employees only. However, as a matter of organizational policy, Midland Microfin Ltd. extends support and redressal to all employees through internal disciplinary mechanisms.

Midland Microfin Ltd. is committed to provide and promote an atmosphere in which employees can realize their maximum potential in the workplace to maintain a safe, congenial, positive, and productive working environment by making the workplace free from sexual harassment.

The policy is applicable to all individuals, whether permanent or temporary employees of the company, deployed/visiting at customer sites, or stakeholders, and is applicable across all workplaces. The policy document will be made available to all divisions associated with the company to establish a consistent approach towards dealing with this issue.

While the POSH Act specifically aims to protect women against sexual harassment, the company strongly believes that all employees, regardless of gender, have the right to work in a safe environment free from verbal or physical abuse, and unsolicited or unwelcome sexual overtures.

In line with this objective, the company has adopted a gender-neutral approach in formulating this policy. The company is committed to providing redressal against sexual harassment to all employees regardless of gender and will take strict disciplinary action against any person who is a perpetrator of all forms of sexual harassment, regardless of the gender of the perpetrators.

This policy is directed to ensure zero tolerance towards verbal, psychological conduct of a sexual nature by any employee or stakeholder that directly or indirectly harasses, disrupts, or interfaces with another co-worker's performance. Focus of this policy is to ensure that all allegations of sexual harassment are investigated and dealt with effectively and appropriately.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

II. DEFINITIONS

Aggrieved Person (Aggrieved Woman): In relation to a workplace, an aggrieved woman means a woman of any age, whether employed or not, who alleges to have been subjected to sexual harassment at the workplace.

The Respondent is the person against whom a complaint of sexual harassment has been lodged by the Aggrieved/Complainant.

Employee, in the context of this Policy, refers to an individual who works at the Workplace, whether on a regular, temporary, ad-hoc, or daily wage basis, directly or indirectly through an agent, this includes coworkers, contract workers, probationers, trainees, apprentices, or anyone else with such employment terms.

Workplace, in the context of this Policy, includes the premises and offices of the Company, its affiliates, and any place visited by Employees during or arising out of employment, including transportation provided by the Company. Additionally, any individual representing the Company as an employee, anywhere in India, during existing and potential official engagements, out-station travels and conferences, training, and capacity building programs, including Company engagements, Company gatherings, and parties, will be deemed to be engaging in external Workplaces of the Company. Furthermore, all official communication platforms, including but not limited to emails, official discussion forums, official WhatsApp group/s, and official telephone conversations with internal and/or external stakeholders of the Company, will be considered as virtual Workplaces for all Employees, and the guidelines of this Policy will apply to them as well.

Internal Complaints Committee (ICC) is an internal redressal committee set up within the Company to receive and investigate complaints related to incidents of sexual harassment at the Workplace and provide its final recommendations to the Employer, i.e., the management of the Company for implementation. The details of the current ICC members across all locations of the Company are mentioned in the policy.

A Witness, in the context of this Policy, refers to any individual, whether from within or outside the organization, who has been mentioned in the narrative of the Complainant or Respondent to be called upon as a validator for their part or has been identified as a similar contributor by the ICC on its own.

The Presiding Officer is the woman employed at a senior level at the Workplace, responsible for leading the ICC.

III. ACTIONS DEFINED AND IDENTIFIED AS SEXUAL HARASSMENT AT WORKPLACE

Sexual harassment: “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- Deliberate Physical contact and advances
- Unnecessary or unwanted bodily contact such as groping or massaging.
- Demand or request for sexual favors.
- Unwelcome sexual attention or invitations
- Use of abusive language or any other foul language which shows disrespect towards women.
- Sexually colored remarks or remarks of a sexual nature about a person's clothing or body.
- Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.
- Giving gifts or leaving objects that are sexually suggestive.
- Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy.
- Persistent watching, following, contacting of a person; and any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- Non-verbal behavior such as staring, leering, or gestures.

- Sexual Innuendos or veiled threats.
- Displaying or sharing offensive images such as posters, videos, photos, cartoons, screensavers, emails, or drawings that are derogatory or sexual.

The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment.
- Implied or explicit threat of detrimental treatment in employment.
- Implied or explicit threat about the present or future employment status.

Sexual harassment, which is harassment specifically based on sex, can take two forms:

- **Hostile Work Environment:** Conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment; and
- **Quid Pro Quo Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment, or when submission to or rejection of such conduct by an Employee is used as the basis for employment decisions affecting that Employee.

The list and details provided above are not comprehensive. Although it is not possible to list all potential circumstances that may constitute sexual harassment, there may be occasions where conduct, if unwelcome, could qualify as sexual harassment based on the totality of the circumstances, including the severity and pervasiveness of the behavior.

The perception of the aggrieved individual is what matters in determining whether the conduct was sexual in nature, whether it was unwelcome, and whether their objection would lead to disadvantageous consequences related to their employment, such as hiring, dismissal, performance appraisal, promotion/demotion, assignments, monetary appraisal, evaluation, grading, recruitment, or promotion. Additionally, the conduct in question could create a hostile working environment.

Sexual harassment can occur not only when an individual uses sexual behavior to control, influence, or affect the job, salary, or career of another person, but also between coworkers or between an employee and someone they interact with, who is not employed by the company. Sexual harassment can occur irrespective of the individuals' gender identity, gender expression, or gender and can occur between same-sex individuals or opposite-sex individuals. Furthermore, sexual desire does not have to motivate harassing conduct.

All types of communication, including in-person, over the phone, on voicemail, through pen and paper, by email, through chat, through SMS, or any other type of communication, are prohibited.

Sexual harassment does not refer to occasional socially acceptable compliments. Rather, it refers to unwelcome sexually determined behavior or conduct that would cause discomfort and/or humiliate a woman at whom the behavior or conduct was directed.

IV. COMPLAINT AND RESOLUTION PROCESS:

Midland is dedicated to establishing a supportive environment for addressing sexual harassment concerns, as outlined below:

A. Conciliation

At the request of the Aggrieved Person, the Internal Committee may attempt conciliation in accordance with Section 10 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, provided that no monetary settlement shall be made as a basis of such conciliation.

If an incident of sexual harassment occurs, the victim may choose to communicate their objection and disapproval to the harasser directly and request that they stop. If the harassment persists or if the victim is uncomfortable addressing the harasser directly, they may bring their concern to the Internal Committee (IC) for grievance redressal.

B. Reporting Channel

Any employee who believes that a supervisor's, manager's or other employee's action or words constitute unwelcome sexual harassment, has a responsibility to report or complain, preferably in writing, about the situation as soon as possible to the Internal Complaints Committee (ICC).

Modes

- Through HR Toll Free
- Email- Call to the Members of the committee.
- Email at HR@midlandmicrofin.com

C. Formal Complaints

If an employee with a harassment concern does not feel comfortable with the informal resolution options or has exhausted such options, they may file a formal complaint with the Presiding Officer of the Internal Committee.

- The complaint must be submitted in writing, in the form of a letter/ email, within three months of the incident. If the complaint pertains to a series of incidents, it must be filed within three months of the last incident.
- The Internal Committee may extend the deadline for filing the complaint by three months if it has valid reasons, which must be recorded in writing.
- Alternatively, the employee may send a complaint via email.
- The employee(s) making the complaint must disclose their name, department, division, and location of their workplace to enable the Presiding Officer to contact them and proceed with the matter.
- Complaints against any Internal Committee member must be addressed directly to the Managing Director (MD) of the Company.

V. DUTIES OF MANAGERS AND SUPERVISORS

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of sexual harassment within their departments, whether there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment seriously no matter how minor or who is involved.
- Report all incidents to HR/ members post committee immediately so that a prompt investigation can occur.
- Take appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

VI. DUTIES OF HUMAN RESOURCES

Appreciate:

When an individual reports a complaint of sexual harassment, it is important to appreciate the person for taking this step. Reporting such incidents can be difficult, and a single complaint can impact on the appropriate activities.

Listen and Understand:

It is essential to listen to and understand all necessary information before acting. This makes the person feel safer and taken seriously.

Be Aware of Every Fact:

All activities depend on facts. Hence, it is imperative to gather all the information before arriving at any conclusion. All the facts collected can then be used to analyze the situation around the incident.

Act Secretly:

To show that the organization is concerned about harassment and to obtain the right information from the people involved, it is crucial that HR act confidentially. Timely action is vital to gather information from people.

Believe in Expectations:

Sexual harassment and bullying activities must be addressed immediately. Every employee should review the Sexual Harassment policy to ensure that inappropriate behavior will not be tolerated.

Observe, Analyze, and Function:

HR should investigate any activity of sexual harassment or bullying as soon as possible after receiving a complaint. HR should speak with both parties and ensure that the harasser is held accountable for their actions while taking care of the victim.

Reflect Immediately:

The most critical step for HR after receiving a harassment complaint is to respond promptly and initiate a fair, impartial investigation involving all concerned parties. It is essential to ensure that the process is conducted with sensitivity and confidentiality, and that all individuals are treated with dignity and mutual respect throughout.

Act Fast, but with Accuracy:

Never rush into handling such situations but investigate the truth and take the necessary actions. It is also vital to ensure that the complainant is not harmed by any retaliatory measures from the harasser

VII. INTERNAL COMPLAINT COMMITTEE

The Company has established an Internal Complaints Committee (ICC) in all offices with 10 or more employees, as mandated by the POSH Act. The ICC will consist of a Presiding Officer, who will be a senior-level female employee of the Company, not less than two Members, preferably with experience in social work or legal knowledge, and one External member from a non-government organization or association committed to women's welfare or someone knowledgeable about sexual harassment issues. At least 50% of the nominated members must be women.

The ICC is available to receive complaints from all employees, regardless of gender. The ICC can be contacted through by email at hr@midlandmicrofin.com or reporting workplace sexual harassment.

As the redressal committee, the ICC is responsible for receiving complaints of sexual harassment at the workplace, initiating, and conducting inquiries in accordance with established legal procedures, providing findings and final recommendations on complaints, maintaining strict confidentiality, ensuring transparency in its activities, and investigating complaints while adhering to the principles of natural justice.

The names and the contact numbers of the committee member are-

Name	Designation	Contact no
Ms. Amarpreet Kour Dutta	Chairperson	75270 - 31409
Ms. Parminder Jit Kaur	Member	75270 - 82830
Ms. Tanuja Mehta	Member	81988-56400
Mr. Gagan Deep Sharma	Member	78372 - 18818
Mr. Anil Monga, Secretary, Global Financial Services	Member	97800 - 05515

The constitution, nomination, and tenure of the Internal Complaints Committee (ICC) shall be strictly in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The tenure of the Presiding Officer and every ICC member shall not exceed three (3) years, as prescribed under the Act. Members may be re-nominated or reappointed after completion of their tenure, subject to continued eligibility and compliance with applicable legal provisions.

VIII PENALTIES TO RESPONDENT:

If the complaint is proved, the Internal Complaints Committee shall recommend appropriate disciplinary action to the Management in accordance with the POSH Act, 2013 and applicable service rules. The final action shall be taken by the Management.

- Warning in writing
- Immediate suspension from the services
- Immediate termination
- May immediately refer the case based on the gravity and merits of the case to the local police/judiciary.

IX. PUNISHMENT FOR FALSE COMPLAINTS:

Where the Internal Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, appropriate punitive action will be taken as per service rules applicable on the recommendations of the committee.

X. CONFIDENTIALITY

The company will do everything consistently with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Information about individual complaints and their disposition is considered confidential and will be shared only on a "need to know" basis.

XI. ASSURANCE AGAINST RETALIATION

This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way the opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee violates this policy and will result in appropriate disciplinary actions.

XII. ENQUIRY PROCESS

- The Committee shall proceed within 48 hours with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.
- The Committee shall prepare and hand over the Statement of Allegation to the person against whom the complaint is made and give him/her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.
- The Complainant shall be provided with a copy of the written explanation submitted by the person against whom the complaint is made.
- If the Complainant or the person against whom the complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.
- If the Complainant desires to tender any documents by way of evidence before the Committee, she/he shall supply original copies of such documents. Similarly, if the person against whom a complaint is made desires to send any documents in evidence before the Committee, he/she shall supply original copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be original copies.
- The Committee shall call upon all witnesses mentioned by both parties.
- The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom the complaint is made, to put forward and defending their respective case.
- The Internal Complaints Committee (ICC) shall conduct and complete the enquiry in accordance with the principles of natural justice and the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- As prescribed under Section 11(4) of the Act, the ICC shall complete the enquiry within a period of ninety (90) days from the date of receipt of the complaint. No extension beyond this statutory period shall be permitted.
- Upon completion of the enquiry, the ICC shall prepare a reasoned enquiry report containing its findings and recommendations and submit the same to the Managing Director (Employer) within ten (10) days, in accordance with Section 13(1) of the Act.
- The enquiry report shall be treated as a formal enquiry report under the Act, based on which the Employer shall take appropriate action in accordance with the recommendations of the ICC and applicable service rules, within the timelines prescribed under Section 13(4) of the Act
- The Managing Director will direct appropriate action in accordance with the recommendation proposed by the Committee.
- The enquiry shall be conducted in accordance with the POSH Act, 2013 and the POSH Rules, 2013.

XIII. OTHER POINTS TO BE CONSIDERED.

- The Committee may recommend to the MD, action, which may include transfer or any other appropriate disciplinary action.
- The sexual harassment shall be treated as misconduct under the byelaws of the Company and shall be treated

accordingly.

- The management shall provide all necessary assistance for the purpose of ensuring full, effective, and speedy implementation of this policy.
- Where sexual harassment occurs because of an act or omission by any third party or outsider, Internal Complaint Committee shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- The Internal Committee shall prepare an Annual Report for each calendar year and submit it to the Management and the District Officer as per Sec. 21 of the POSH Act 2013.
- In case the Committee find the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report, and appropriate action initiated by the Management for making a Police Complaint.

XIV COMPANY OBLIGATION

Midland will:

- Ensure a safe working environment at the Workplace, including protection from individuals who may engage in sexual harassment.
- Display the penal consequences of sexual harassment, as well as information about the Internal Committee's formation, at a conspicuous location in the Workplace.
- Conduct workshops and awareness programs at regular intervals to sensitize employees to the provisions of the Act and provide orientation programs to the Internal Committee members as prescribed.
- Provide the Internal Committee or the Local Committee, as applicable, with the necessary facilities to handle complaints and conduct inquiries.
- Assist in securing the attendance of respondents and witnesses before the Internal Committee or the Local Committee.
- Provide support to anyone who chooses to file a complaint related to an offense under the Indian Penal Code or any other law currently in force.
- Initiate action under the Indian Penal Code or any other law currently in effect against the perpetrator or take the necessary steps if the aggrieved woman desires, in cases where the perpetrator is not an employee at the Workplace where the harassment occurred.
- Consider sexual harassment to be a misconduct under service rules and take appropriate action.
- Monitor the Internal Committee's timely submission of reports.

Review and Regulatory Supremacy

- This Policy shall be reviewed at least once in every year or earlier, as may be required, to incorporate changes arising from applicable laws, regulatory guidelines, supervisory instructions, or evolving business and operational requirements.
- In the event of any inconsistency between the provisions of this Policy and any applicable law, regulation, circular, guideline, or direction issued by a statutory or regulatory authority (including the Reserve Bank of India), such law or regulatory requirement shall prevail to the extent of such inconsistency, and this Policy shall be deemed to be amended accordingly