

**Magma General Insurance
Limited**

This document intends to prevent/prohibit, redress any incident of sexual harassment and to enforce strong disciplinary action in event of any such occurrence.

Policy on Prevention and Redressal of Sexual Harassment

Effective Date:	30.04.2024
Approval Date:	30.04.2024
Version No.:	7.0
Approved By:	Board of Directors
Policy Owner:	Human Resource Department

This document is confidential in nature and shall supersede all policies on Prevention and Redressal of Sexual Harassment of the Company and should be read in conjunction with the most recent policies and procedures documented.

Subject:	Original Issue Date: 31.10.2014	Effective Date: 30.04.2024
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Base Document	:	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
Initial Document Prepared by	:	Human Resource Department
Functional aspects checked by	:	Mr. Debapratim Guha
Governing Guideline/Policy	:	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
Legal aspects checked by	:	Mr. Anand Roop Choudhary, Mr. Vishal Jain, Ms. Arti Choudhary and Mr. Karan Purohit

**Policy on Prevention and Redressal of Sexual Harassment
Magma General Insurance Limited**

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1. Purpose & Scope

Magma General Insurance Limited (herein referred to as the ‘**Company**’) is committed to provide equal employment opportunities, i.e., no discrimination based on age, race, colour, religion, national origin, differently abled or gender. To ensure the same, it is important that all employees are entitled to a work-environment free from sexual harassment and one which promotes dignity, respect and affordable equitable treatment. The Company ensures promoting a work environment that is conducive to professional growth of all the Employees and encourages equal opportunity to all. Sexual Harassment as defined herein below is prohibited as per this principle of the Company.

In pursuant to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder [herein after referred to as “**POSH Laws**”], the Company has framed this Policy on Prevention, Prohibition and Redressal of Sexual Harassment at workplace (herein referred to as the ‘**Policy**’). The purpose of this Policy is to lay down the Company’s approach to deal with incidences of Sexual Harassment against fellow colleagues including third party personnel engaged with the Company and to ensure that any incidence of Sexual Harassment is dealt with appropriately, sensitively and expeditiously in line with the guidelines as prescribed under applicable law(s) and the Policy. It defines Sexual Harassment and provides a framework to deal with complaints of Sexual Harassment at the Workplace.

Any form of Sexual Harassment whether overt or covert; intentional or unintended is unacceptable, and therefore regarded as misconduct in terms of this Policy. It explicitly prohibits Sexual Harassment at workplace which includes any location visited by the employee in connection with activities related to work. The Company will take action consistent with its disciplinary and grievance procedures against any Employee found to have breached the Policy.

It is the responsibility of all those connected with the Company to comply with the Policy.

2. Objectives

Provide a framework enabling creation of:

- a. Work environment free from fear, reprisal, coercion, discrimination and harassment of sexual nature.
- b. Expressing zero tolerance to any Sexual Harassment at Workplace through prevention, resolution and deterrence of acts of Sexual Harassment.

3. Applicability

This Policy applies mutatis mutandis to all individuals who are employed in the Company, either engaged in permanent, contractual or temporary capacity (whether in the office premises or in any office which includes regional / branch / on-site/off-site etc.) of the Company. As per the applicable laws, the Policy is also applies mutatis mutandis to the vendors, visitors or any other associates of the Company.

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4. Definitions

(i) Sexual Harassment

“**sexual harassment**” the act of sexual harassment may includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

- (a) physical contact and advances; or
- (b) a demand or request for sexual favours; or
- (c) making sexually coloured remarks; or
- (d) showing pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- (f) Or an act as decided by the IC after due diligence under inquiry.

(ii) Certain other Factors to define Sexual Harassment:

The following circumstances among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of Sexual Harassment may amount to Sexual Harassment : –

- (a) Implied or explicit promise of preferential treatment in their employment, or
- (b) Implied or explicit threat of detrimental treatment in their employment, or
- (c) Implied or explicit threat about their present or future employment or
- (d) Humiliating treatment likely to affect their health or safety or
- (e) Interference with the person’s work or creating an intimidating or offensive or hostile work environment for the person.

(iii) Workplace: Workplace includes:

- (a) any office, branch or unit, which is established, owned or controlled by the Company;
- (b) any place visited by the Employee arising out of or during the course of employment including transportation provided by the Employer for undertaking such journey;

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- (iv) **Employee:** “Employee” as defined under the Act and means a person employed at a Workplace for any work on permanent/regular, temporary, ad hoc or daily wages 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, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (v) **Aggrieved Person:** “Aggrieved Person” as defined under the Act and means in relation to a workplace, a person, of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by an employee of the Company. Herein after also denoted as the Complainant;
- (vi) **Respondent:** “Respondent” means any active employee against whom the Aggrieved Person has made a written complaint;
- (vii) **Bystander:** “Bystander” means any person who observes sexual harassment taking place at the workplace and is not the aggrieved person.

5. Role of Bystander/Aggrieved Person

- (a) In the first instance, when a Bystander/ Aggrieved Person observes behaviour of Sexual Harassment, the Bystander/ Aggrieved Person should confront the alleged harasser and bring it to their attention that the behaviour is unwelcome and firmly request it be stopped.
- (b) If such behaviour persists, the Aggrieved Person should bring it to the attention of Internal Committee.
- (c) The Company shall nominate officers in different zones as First Instance Facilitator (FIFs) [Reference to **Annexure – 1**] in compliance with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, to provide first instance facilitation in case of any complaint of Sexual Harassment. FIFs shall also co-ordinate preventive activities to create a Sexual Harassment free atmosphere in the Company and will be available to hear and deal with any concerns the Employees may have and inform them about this policy and the complaint process. FIFs will bring any information relating to Sexual Harassment incident to the notice of Internal Committee for next appropriate steps.
- (d) If the Bystander/ Aggrieved Person needs any support or clarification they may reach out to the FIF in their respective Zone.
- (e) An Aggrieved Person may make, in writing, a complaint of Sexual Harassment at Workplace to the Internal Committee (as defined hereunder) within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident or the period as if amended by law from time to time.

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- (f) The complaint shall be addressed to the Member(s) of the Internal Committee, sent to posh.icc@magmainsurance.co.in
- (g) Delay in reporting makes it more difficult to establish the facts of the case and may contribute to the repetition of offensive behaviour.
- (h) The Internal Committee may, for the reasons to be recorded in writing, extend the time limit to extent of statutory limits, for reporting the complaint to such periods as it deems fit, if it is satisfied that the circumstances were such which prevented the Aggrieved Person from filing a complaint within the said period.
- (i) Where such complaint cannot be made in writing, the Presiding Officer of the Internal Committee or any Member of the Internal Committee as the case may be, shall render all reasonable assistance to the Aggrieved Person for making the complaint in writing so as to facilitate the Internal Committee to take a formal action in this regard.
- (j) Where the Aggrieved Person is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, their legal heir may make a complaint in writing to the Internal Committee.

The Company takes allegations of Sexual Harassment seriously and shall ensure that every complaint is looked into through due process and action will be taken as per the policy.

6. Internal Committee

The Company shall constitute an Internal Committee [“IC”] for the purpose of conducting inquiry in the matter of Sexual Harassment.

Since the Workplace are located at different locations, there will be a Central Internal Committee which will look into complaints from all the locations. The minimum composition of the Internal Committee shall be as given below:

- (i) Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees;
- (ii) Not less than two Members from amongst employees preferably committed to the cause or who have had experience in social work or have legal knowledge;
- (iii) One member from amongst non-governmental organisations or associations committed to the cause or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women. The tenure of the presiding officer/members as per the legal provision in this regard.

Please refer to **Annexure-2** for the details of the members of the Internal Committee. The information

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regarding IC members and their details will be made available at the website of the Company along with the procedure of filing complaint.

A. Content of Complaint:

The complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name(s) of complainant, respondent, designation, location of the contravener, date(s) of act(s), time, witnesses if any, etc.. For the sake of convenience, the Complaint Form is annexed as “**Annexure -3**”.

B. Interim Relief:

During the pendency of the inquiry, on a written request, if made by the Complainant, the IC may recommend to the employer as to: -

- (i) Transfer the complainant or the respondent to any other Workplace.
- (ii) Granting of leave(s) as appropriate, up to the extent of statutory limits.
- (iii) As to prevent respondent from assessing complainant’ work performance and accordingly change in reporting hierarchy if the complainant directly reporting to the respondent.
- (iv) Or grant such other relief as deemed appropriate.

C. Conciliation

- (i) Before initiating an inquiry under this Policy, the internal committee may, at the written request of the Complainant take steps to settle the matter between the complainant and the Respondent through conciliation. The Internal Committee will attempt to resolve the raised issue through mutual discussion between the Complainant and the Respondent. The conciliation process will also be documented and shall be the part of the records.
- (ii) Internal Committee will proceed with conciliation only after ensuring that the Complainant is not open for conciliation on account of any undue pressure, coercion, force, threat, any other personal interest.
- (iii) The Internal Committee will record the terms of settlement acceptable to the complainant and the Respondent and file a closure report with the CHRO/ HR department to take further action as recorded in the settlement. Copies of the settlement shall be provided to the Complainant and the Respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The complainant will have the right to withdraw from the conciliation process by stating the reasons for withdrawal in writing to the Internal Committee.
- (iv) Post the conciliation process, after the settlement is arrived at, the Internal Committee will abstain from further inquiry in the complaint, unless the matter warrants otherwise.
- (v) If the conciliation does not stop the behaviour of the Respondent and / or if any of the terms mentioned in the settlement are not complied with by the Complainant/Respondent, then it must be reported to the Internal Committee for appropriate next steps.
- (vi) Withdrawal of the overall complaint against the respondent, shall be subject to IC approval, before initiating inquiry.

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D. Formal Complaint Resolution Procedure:

- i.** The Internal Committee, while maintaining strict confidentiality, shall take immediate necessary action to hold an inquiry. The Committee shall hear the complainant and the statements shall be recorded. The Respondent shall be provided a copy of the complaint within 7 (seven) working days from receipt of the complaint. The respondent shall file his / her reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding 10 (ten) working days from the date of receipt of the complaint.
- ii.** The complainant shall be provided with a copy of the Respondent's reply, whereupon he/she may, if required, can submit further information/documents//re-joinder within 4 (four) working days of receipt thereof. The Internal Committee may also take inputs from the witnesses named by the parties and any other persons whosoever deemed appropriate.
- iii.** Members of the **IC** shall after examination of the complaint and the response of the Respondent, and all evidence placed before it, including witness statements; submit its report to Complainant and respondent. Post acknowledgement from both parties, the committee will submit to the management the final report with recommendations, in accordance with the provisions of service rules applicable. The Internal Committee shall keep complete documentation of the complaint, inquiry and its report. The committee / officer designated for this purpose, or the Presiding Officer shall ensure that all documents shall be kept securely.
- iv.** Where the Internal Committee arrives at a conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to take necessary action as appropriate as per the provisions of Law.
- v.** Where the Internal Committee arrives at a conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer in the report as to no action is required to be taken in this matter. In case the result of inquiry is not to the expectation of the complainant or respondent, they may take up the matter further, as per the provision of Law.
- vi.** Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved or the complaint found to be false and frivolous, it shall recommend to the Employer to take any action or actions which may include but not limited to seeking written apology, issuing warning letters, withholding promotion, withholding of pay rise or increments, termination of the services or transfer or any financial compensation or undergoing with a counselling session etc as covered under Service Rules / Code of Conduct of the Company.
- vii.** Timelines and detailed processes are articulated in **Annexure -4**.

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E. False or Frivolous or Malicious Complaints:

If the IC concludes that the complaint made is false or frivolous or was made with a malicious intent or with the motive of maligning the concerned individual or to settle personal/professional scores, disciplinary action [as mentioned in Rule D (vi) above], may be recommended against the Complainant, as finds appropriate.

A mere inability to substantiate a complaint or provide adequate proof may not attract action against the complainant under this clause.

F. Recusal from inquiry:

IC member shall inform the IC committee for any potential conflict of interest while conducting the inquiry. The IC member shall be excused to be part of inquiry wherever, there is any conflict of interest. The Management is authorized to appoint any member in the IC on *ad hoc* basis.

7. Third Party Harassment

Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, who is not directly on the pay-rolls of the Company, it shall be out of the jurisdiction of the IC however, the Company and the persons in charge, upon reporting of the case, may take all steps, necessary and reasonable to assist the aggrieved person in terms of support and preventive action.

8. Savings

- a. Nothing contained in this Policy shall prejudice any right available to the Employee, Respondent, Employer, IC or prevent any person from seeking any legal remedy under any applicable law for the time being in force.
- b. In case of any discrepancy in the Policy, the provisions of relevant POSH Laws shall prevail.
- c. The Company reserves the right to modify and, or review the provisions of this Policy, as to meet out the requirement of the provisions of Law/Statue.
- d. This Policy is drafted in compliance of the present POSH Laws and therefore all the implied procedure, provisions [present or if amended from time to time] shall be followed & applicable mutatis mutandis. Also the mentioned timelines, limitations etc. in the Policy shall be deemed to be replaced & updated with the new enactment(s), amendment(s), legal provision(s), ruling(s) & likewise as and when pronounced and becomes effective.
- e. IC shall have all powers as provided under the POSH Laws and shall discharge their duties & disposal the complaints accordingly.
- f. If any provision of the Policy is held to be illegal or invalid or amended for any reason, the illegality or invalidity shall not affect the remaining provisions hereof, but such provision shall be

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fully severable, and the Policy shall be construed and enforced as if the illegal or invalid provision had never been included herein.

9. Criminal Proceedings / Other Remedies

Where any conduct of the Respondent amounts to a specific offence under the Indian Penal Code or under any other law, the Employer may also initiate appropriate action in accordance with law by making a complaint with the appropriate authority. The Employees who are victims of Sexual Harassment may, in addition to lodging complaint with the Internal Committee, also seek legal remedies as may be available under the various laws for the time being in force.

10. Awareness about Policy

Awareness about this Policy shall be created by awareness sessions / emails as well as displaying or notifying the salient features of the Policy in a suitable manner and Employees will be free to raise issues relating to Sexual Harassment. It is compulsory for each employee of the Company to complete the e-learning module on POSH every year.

11. Complainants or witnesses

The complainants or witnesses shall not be victimized or discriminated against, while dealing with complaints of Sexual Harassment or thereafter. This Policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about Sexual Harassment or behaviour that might constitute Sexual Harassment is also strictly prohibited.

12. Confidentiality

The Company understands that it is difficult for the aggrieved person to come forward with a complaint of sexual harassment and recognizes their interest in keeping the matter confidential. However, as to protect the interest of the complainant who reports incidents of Sexual Harassment, and the respondent, who has been accused of Sexual Harassment, confidentiality shall be maintained throughout any inquiry process to the extent practicable and appropriate under the circumstances. Any person contravening the confidentiality clause is subject to disciplinary action as prescribed in the Act.

13. Annual Meeting of the Committee

The Committee shall meet at least once every financial year and review the efficacy of the implementation of the policy.

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14. Responsibility for implementation

It will be the responsibility of Chief Human Resources Officer (CHRO) to ensure the implementation of the Policy in the Company.

15. Amendments/Modifications

Except the Annexures, the Policy shall be reviewed by the Board of Directors periodically as and when required and any changes made in the Policy shall be recorded in the change control record sheet attached with the Policy. All amendment, update in the Annexures of the Policy, are subject to CHRO' approval.

16. Change Control Record

Version No.	Change Request by	Memorandum of Change	Approval Date
2.0	Mr. Anand Roop Choudhary	To align with the requirement of constitution of the Internal Complaint Committee as per the POSH Act.	30.10.2015
3.0	Mr, Anand Roop Choudhary	Policy has been revised to make it Magma specific	28.07.2017
4.0	Mr, Anand Roop Choudhary	Policy has been revised to make it Magma specific	21.01.2021
5.0	Mr. Debapratim Guha	Policy has been changed to a gender neutral policy and further refinement of Policy	
	Mr. Debapratim Guha	No Change	28.07.2022
	Mr. Debapratim Guha	No Change	26.06.2023
6.0	Mr. Karan Purohit	General amendments	01.11.2023
7.0	Mr. Karan Purohit	Statutory compliances and addition of complaint form	30.04.2024

Annexures

<u>Annexure – 1</u>	List of First Instance Facilitators (FIFs)	
<u>Annexure – 2</u>	List of IC Members	

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<u>Annexure – 3</u>	Complaint Form	
<u>Annexure - 4</u>	Complaints Resolution Process & Timelines	
