

The Prevention of Sexual Harassment at Workplace Policy

Version Control

Version	Date	Change Details
1.0	Sept 2019	Policy Introduced
2.0	Jan 2021	Review
3.0	Dec 2022	Review
4.0	Sept 2023	Policy restructuring and IC Member list updated
5.0	July 2026	Policy Restructured

Introduction and Objective

Brookfield India Real Estate Trust (hereinafter referred to as “BIRET”¹, “the Company” or “our” or “we” or “us”), for sake of brevity, is committed in providing equal opportunities to all its employees without any discrimination or harassment based on race, color, sex, age, disability, religion, national origin, marital or veteran status, sexual orientation or any other category protected by law. Company will not tolerate any kind of discrimination or harassment based on these or any other legally protected categories.

The Company is further committed towards creating a safe and conducive work environment that shall enable all to work without fear of prejudice, gender bias and sexual harassment, where employer and employees respect each other’s integrity and dignity, their privacy, their right to equality and right to opportunity that enables the career progression in the workplace. It understands that equality in employment can be seriously impaired when individuals are subjected to discrimination by way of incidences of sexual harassment at workplace.

In line with the above stated objective, the implementation of this policy by the Company is in strict compliance to the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereunder enacted by the Parliament of India.

By virtue of the provisions contained in this policy, the Company has created a redressal mechanism to address any concern, complaints of the employees and other stakeholders having business relations with the Company pertaining to the issues of sexual harassment at workplace. Company appeals to all the employees and stakeholders to support the Company in ensuring the prevention and prohibition of the sexual harassment issues in its workplaces.

Name & Applicability of the Policy

This policy shall be called as “The Prevention of Sexual Harassment at Workplace Policy” and is applicable to all the employees working with the Company across India in its Corporate office, Regional Offices, Branches, Units, Clients premises where the employees of the Company are deployed to provide services to the various clients and all other current and future locations, any other units or premises owned, leased or controlled by the Company.

Nature of Redressal Mechanism

In accordance with the statutory obligation of the Company as per the Act of 2013, the redressal mechanism created under this policy is primarily available for the women employees of the Company. However, this policy also allows male employees of the Company to raise the complaint of sexual harassment. However, the complaint redressal mechanism and any relief thereunder for the complaint/s raised by male employees under this policy would be non-statutory and will be offered solely at the discretion of the Company.

Definitions

Throughout this Policy, reference to the following defined terms in relation to the Company as a workplace should be taken as having the following meaning:

¹ BIRET include the following Brookprop Management Services Private Limited, Mountainstar India Office Parks Private Limited, Candor India Office Parks Private Limited, Candor Gurgaon One Realty Projects Private Limited, Candor Kolkata One Hi-tech Structures Private Limited (G2), Candor Kolkata One Hi-tech Structures Private Limited (K1), Shantiniketan Properties Private Limited, Seaview Developers Private Limited, Festus Properties Private Limited, Kairos Properties Private Limited, Rostrum Realty Private Limited, Aspen Buildtech Private Limited, Oak Infrastructure Developers Private Limited, Arnon Builders & Developers Private Limited, Arliga Ecoworld Business Parks Private Limited, collectively and any other new acquisitions/ addition of BIRET in India.

- a) "Act" means "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereunder".
- b) "Aggrieved Person" means any person including a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent at a workplace.
- c) "Employee" means a person employed at a Company for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the Company, 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.
- d) "Internal Committee" (Hereinafter referred to as "IC" or "Complaints Committee" as appropriately) means an Internal Committee constituted by the Company at Corporate Office or any other Offices of the Company under clause 6 of this policy.
- e) "Employer" means the Chief Executive Officer (CEO) of the Company and where the complaint is against the CEO of the Company, any other member of the Board of Directors.
- f) "Member" means a Member of the Internal Committee.
- g) "Respondent" means the employee of the Company against whom the aggrieved person has made the complaint of sexual harassment at workplace.
- h) "Workplace" means all offices and premises of the Company owned, controlled or leased by the Company, all other places visited by the employee arising out of or during the course of employment including deployment of the employees in the client premises, conferences organized by the Company or approved/supported by the Company for participation, customer meetings, off-sites, Company organized functions etc. including transportation provided by the Company for undertaking such journey,
Explanation: - For this policy, even an incident of sexual harassment that happens at a dwelling place or house, or in a virtual set up, or online or social media platforms between aggrieved person and respondent would be considered as the workplace if the respondent is the employee of the Company.
- i) "Sexual Harassment" means any one or more of the Acts or behavior mentioned in clause 5 of the policy.

Sexual Harassment

"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

Following circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment will also amount to sexual harassment-

- i. Implied or explicit promise of preferential treatment in employment of the aggrieved person.
- ii. Implied or explicit threat of detrimental treatment in the employment of the aggrieved person.
- iii. Implied or explicit threat about the present or future status of the employment of the aggrieved person.
- iv. Creating an intimidating, offensive or hostile working environment for the aggrieved person.
- v. Humiliating treatment likely to affect the health, safety, dignity, or physical integrity of the aggrieved person.

Explanation I- To constitute any Act or Behaviour as sexual harassment there must be a sexually determined act or behaviour.

Explanation II- Illustrations- Provided herewith are some illustrations of different forms of sexually determined acts or behaviour that may, independently or coupled with other facts or circumstances, constitute sexual harassment. The list is indicative and may include any other form/s of sexual harassment.

a) Non-Verbal forms of Sexual Harassment-

- Sexual gestures.
- Staring/leering.
- Invading personal space.
- Sexually oriented Pin-ups.
- Offensive publications, cartoons, or pamphlets.
- Unsolicited/unwanted gifts which are sexually suggestive.
- Showing pornography

b) Verbal forms of Sexual Harassment

Any written or verbal communication by any means like online or offline chat, emails, letters, messages etc which consists of any of the following:

- Language of a sexually suggestive or explicit nature.
- Unwanted propositions.
- Jokes of a sexual or explicit nature.
- Use of "affectionate" names.
- Eve- teasing, Unsavoury Remarks.
- Gender based insults or sexist remarks.

c) Physical forms of Sexual Harassment

- Deliberate body contact, touching or brushing against any part of body and the like.
- Indecent exposure.
- Groping/fondling.
- Any other conduct of sexual nature that abuses, humiliates, degrades or violates the dignity.

Constitution of the Internal Committee/s ("IC") powers of the IC

The Company has constituted various Internal Committees (IC) at the Corporate Office and other offices of the Company under this policy and as per the provisions of the Act of 2013. The details of the same are attached with this policy as Annexure I.

While conducting an enquiry, the IC Shall have the following powers:

- a) Summoning and enforcing attendance of any person and examining him or her on oath.
- b) Requiring the discovery and production of documents- The IC may direct any person to discover and produce any documents which the IC deems relevant to issues involved in the complaint before the IC and it shall be the duty of the person to discover or produce such document.

Other Powers and Responsibilities of the Internal Committee

In the matters of sexual harassment issues and while conducting the inquiry in the complaints of the sexual harassment, the Internal Committee shall-

- i. Protect the safety and dignity of the complainant by not divulging the complainant's identity.
- ii. Provide appropriate mechanism of conciliation depending upon the request of the complainant as detailed in Clause 11 of this Policy.
- iii. Provide fair and impartial mechanism of complaint redressal through the inquiry founded on the principles of natural justice.
- iv. Provide the recommendation to the employer for requisite interim relief or final recommendations as per the terms of this policy.

Sexual Harassment Complaint

Any aggrieved person may make a complaint of sexual harassment against the respondent that has occurred at the workplace in writing to the Presiding Officer or any other Member of the Internal Committee as under:

- a) The complaint shall be in writing and may be supported by documents and the names and address of the witnesses if any. Appropriate to the circumstances, the IC may allow the complainant not to divulge the details of the witnesses during the complaint stage. However, the complainant is required to provide the details of the witnesses during the process of the inquiry.
- b) Wherever the complaint cannot be made in writing, the Presiding Officer of the IC or any other Member of the IC shall render all the reasonable assistance to the woman for making the complaint in writing. The Presiding Officer or any other Member of the IC shall reduce the complaint in writing and the aggrieved person after reading the contents shall sign the same.
- c) The complaint shall be made within a period of three months of the incident and in case of the series of incidents, within a period of three months from the date of the last incident.
- d) In exceptional circumstances, the IC may allow the aggrieved person the extension of the time limit to file the complaint by another three months by recording the reasons in writing for granting such extension.

Sexual Harassment Complaint against the Service Provider or Employee of the Service Provider or against any other person having business relations with the company

Any complaint of sexual harassment made by the aggrieved person against the service provider or employee of the service provider or against any other person having business relations with the Company, shall be referred to the IC of the respective service provider or to the IC of the Company of the respondent person against whom the complaint is made for further resolution/inquiry. Wherever no IC is constituted either due to the provisions of the Act of 2013 or failure to comply with the provisions of the Act of 2013, the aggrieved

person can make the Complaint of sexual harassment to the Local Complaint Committee ("LCC") constituted by the district officer of the region. The Company shall provide reasonable assistance to the aggrieved person to make such complaint. It is made clear that currently as per the provisions of Act of 2013, the LCC can take cognizance of only the complaints made by the aggrieved woman and no male employee can make the complaint to LCC.

Wherever Respondent does not have any business relations with the Company, the aggrieved person can make the complaint to the police authorities against the respondent.

Complaint on behalf of the Aggrieved Person where she is Woman

Wherever the aggrieved person is a woman, and she is unable to file the complaint due to reasons attributed to her physical or mental incapacity, following persons can file the complaint on behalf of the aggrieved person (woman). Depending upon the circumstances, the IC may require such person to submit the written consent of the aggrieved person (woman) before allowing him or her to file such complaint.

- a) Aggrieved person's (woman's) relative or friend or colleague.
- b) An officer of the National Commission for Women or of State Women's Commission.
- c) Any other person who has the knowledge of the incident of sexual harassment, with the written consent of the aggrieved woman.
- d) A qualified psychiatric or psychologist.
- e) The guardian or authority under whom an aggrieved woman is receiving treatment or care.

Conciliation

Basis the written request made by the aggrieved person for the amicable settlement of the complaint, the Internal Committee may initiate steps to settle the matter between aggrieved person and the respondent through conciliation before initiating an inquiry as enumerated in clause 12 of this policy. The aggrieved person can however, approach to Internal Committee for the initiation of the inquiry if the respondent fails to abide by any of the terms of the settlement arrived at in conciliation proceedings between both the parties.

As per the provisions contained in the Act of 2013, the IC while settling the case under conciliation process will ensure the following-

- a) No monetary settlement will be awarded under conciliation process.
- b) Both parties shall submit terms of settlement to the Internal Committee.
- c) The IC shall record the settlement and the copies of the settlement arrived at through conciliation process will be provided to both the parties.
- d) No further inquiry will be conducted thereafter.
- e) IC will provide one copy of the settlement to the employer.

Procedure of the Sexual Harassment Inquiry

Following procedure of the Inquiry will be adopted by the Internal Committee in addressing the complaints of sexual harassment. However, depending upon the circumstances and seriousness/gravity of the complaint, the IC may adopt any other suitable inquiry procedure which would offer the fair and reasonable opportunity to the Complainant and Respondent to put forward their case/explanation/defence. In case, the Respondent employee is governed by the provisions of the Industrial Employment (Standing Orders) Act, 1946 or any other statute in force, the IC shall follow the enquiry procedure laid down for imposing major penalties under Model or Certified Standing Orders or such other statute as far as may be practicable.

- a) The IC shall send one copy of the complaint and documents submitted by the aggrieved person if any, to the respondent within a period of seven days of such receipt.
- b) The respondent shall file his or her reply within a period of not more than ten days to the complaint along with the list of documents, names and addresses of witnesses if any.
- c) The IC shall thereafter intimate to both the parties the time, venue and date of the inquiry and thereafter IC will conduct the inquiry as per the principles of the natural justice enumerated in further sub clauses of clause 12. In conducting the inquiry, a minimum of three members of the IC including presiding officer shall be present.
- d) The parties shall not be allowed to bring in any legal practitioner or representative to represent them in their case at any stage of the proceedings before the IC. The complainant and the respondent shall be solely responsible for presenting their own case before the IC.
- e) The IC shall provide reasonable opportunity to the complainant and the respondent for presenting and defending her/his case.
- f) The complainant and the respondent shall be offered an opportunity to cross examine the witnesses produced by the opposite party. However, the IC may curtail the scope and extent of the right of cross examination in appropriate cases in accordance with demands of justice. Depending upon the gravity and seriousness of the complaint and any other appropriate circumstances, the IC may also allow cross examination of the aggrieved person and her witnesses by submission of questionnaire by the respondent. The IC may record its reasons for such modification or curtailment of the right of cross examination.
- g) The IC shall have the right to disallow any questions or behaviour that it has reason to believe to be irrelevant, mischievous, scandalous or gender-insensitive that may intimidate the complainant.
- h) The complainant and the respondent shall be solely responsible for presenting their own witnesses before the IC. However, the IC may, in the interest of justice and on request of any of the parties, provide assistance in enforcing the attendance of any witness if the IC is of the opinion that it shall be in the interest of justice.
- i) The parties shall sign the proceedings of each day in the form of minutes/summary of the proceedings prepared by the IC during the proceedings. The chief examination of the parties and their witnesses shall be recorded in summary form by IC or in the form of an affidavit and the cross examination shall be recorded in questions and answers form. These proceedings shall be signed by all the concerned party or witness/es at the end of the proceedings for the day.
- j) If the complainant or respondent fails, without sufficient cause to present herself or himself for three consecutive hearings, the IC shall have the right to terminate the inquiry proceedings and decide the complaint ex-parte as IC feel deem appropriate. Provided that such termination or an ex-parte order will not be passed without giving a notice in writing to the party concerned, fifteen days in advance.
- k) Copies of the Documents produced by either party in the inquiry to adduce as evidence shall be supplied to other party in the form of true copies of such documents.
- l) The IC shall provide the copy of its findings to the complainant and respondent to enable them to make any representation before IC against the findings.
- m) Thereafter the IC shall conclude the inquiry and prepare its findings and report of Enquiry. If the IC comes to the conclusion that the case of the complainant is not proved or that the case has no merits, the IC may reject/dismiss the complaint by submitting to the employer a reasoned report of its findings. If the IC finds that the Respondent is guilty of the sexual harassment of the complainant, the IC shall submit to the employer a reasoned report of its findings along with its recommendations in accordance with Clause 16 of this Policy for imposing any penalty or other action against the Respondent, to the employer within 10 days of concluding the inquiry. A copy of the findings with recommendations will be supplied to both the parties viz. complainant and respondent.

- n) The IC shall endeavour to complete the enquiry within a period of ninety days from receipt of the Complaint by IC.
- o) The Employer shall initiate the action recommended by the IC within 60 days from the receipt of the report from IC.

Procedural Timelines

Following timelines will be adhered by all concerned including the IC in conducting the inquiry under this policy.

Action	Timelines
Written complaint by aggrieved person to Internal Committee or to any of its member	Within three months from the incident of sexual harassment or last incident in case of series of incidents.
Extension of time period to file written complaint within discretion of IC	Three months
Complaint and any other documents to be supplied to the respondent by IC	Within 07 working days of receipt of complaint
Respondent to file his written reply along with documents and list of witnesses if any	Within 10 working days
Completion of inquiry by IC	Within 90 days
Submission of report of findings and recommendations by IC	Within 10 working days of completion of inquiry
Action to be taken by employer on the recommendations of IC	Within 60 days from the receipt of report from IC

Interim Relief where Aggrieved Person is a Woman Employee

During the pendency of the inquiry and on a written request made by the aggrieved woman employee, the Internal Committee may recommend to the employer to –

- a) Transfer the aggrieved woman employee or respondent employee to any other workplace.
- b) Grant leave to the aggrieved woman employee over and above the aggrieved woman employees' internal leave entitlement. Any additional leave granted under this provision will be up to a period of three months.
- c) Issue a restraint order to warn the respondent employee about any attempt to contact directly or indirectly, influence, intimidate or exert pressure on the complainant or witnesses during the course of the inquiry proceedings.
- d) Restrain the respondent employee from reporting on the work performance or writing confidential report of the aggrieved woman employee and assign the same to another manager as appropriate.

To grant any of the above-mentioned interim reliefs is completely at the discretion of the IC and the same shall be recommended by the IC depending upon any appropriate situation that warrants the grant of interim relief.

Inquiry of the IC as the Final Inquiry

It is hereby made clear that in respect of misconduct of sexual harassment, the IC shall be deemed to be the inquiring authority appointed by the employer for the purpose of this policy or any other internal policy of the Company or Act of 2013 or Industrial Employment (Standing Orders) Act, 1946 or any other statute in force. No further inquiry would be conducted by the Company after the conclusion of the inquiry by the IC. The recommendation of the IC given to the employer post inquiry shall be considered as final and the Company shall be bound by such recommendations.

Disciplinary Punishment against proved cases of Sexual Harassment

Where the Internal Committee arrives at the finding that the allegation of sexual harassment against the Respondent is proved, the IC shall recommend to the employer to initiate/impose any of the following action/s/penalties against the respondent where Respondent is the employee of the Company.

- a) Written apology.
- b) Warning.
- c) Withholding of promotion/pay rise/increment.
- d) Reduction in rank.
- e) Suspension without pay.
- f) Termination from service.
- g) Counselling.

Compensation

Notwithstanding anything contained in the terms and conditions of the employment of the respondent employee, the IC can also recommend to the employer to deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to aggrieved woman's legal heirs, as it may determine appropriately as per the provisions of the Act of 2013. The Company shall act upon the recommendation of the Internal Committee issued under this clause or clause 16 within sixty days of its receipt by him.

For the purpose of determining the sums to be paid to the aggrieved woman under this clause, the internal committee shall have the regard to-

- a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
- b) The loss in the career opportunity due to the incident of sexual harassment.
- c) Medical expenses incurred by the victim for physical or psychiatric treatment.
- d) The income and financial status of the respondent.
- e) Feasibility of such payment in lump sum or in installments.

Malicious or False Complaint, False Evidence and Action thereon

Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to initiate action against such person in accordance with the clause 16 of this policy. Provided that a mere inability to substantiate a complaint or provide adequate proof will not attract an action against the complainant under this provision and the malicious intent on part

of the complainant shall be established after an inquiry in accordance with the procedure prescribed under clause 12 of the policy, before any action is recommended.

Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to initiate action against witness in accordance with the clause 16 of this policy.

Sexual Harassment & Offence under Indian Penal Code (IPC)

The offence of sexual harassment is also an offence defined by and punishable under section 354-A of the Indian Penal Code 1860 (IPC). Section 354-A is gender specific and only a woman can file a complaint of sexual harassment with police authorities. The relevant portion of the section is reproduced herewith for the purpose of information only. Only the Police has the power and authority to investigate into allegations of such offence. In any circumstances, where aggrieved woman chooses to file a police complaint in relation to the offence of sexual harassment under the Indian Penal Code and requests the Company to provide her relevant support in filing the police Complaint, the Company shall provide all reasonable support to the woman in filing the complaint.

IPC Section 354-A - Sexual Harassment and Punishment for Sexual Harassment

(1) A man committing any of the following acts-

- (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) A demand or request for sexual favors; or
- (iii) Showing pornography against the will of a woman; or
- (iv) Making sexually coloured remarks; Shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both.

Note - Offence of sexual harassment under section 354-A is Cognizable (meaning thereby that the Police Department have the authority to arrest the accused (respondent) without any warrant from the concerned Judicial Magistrate). The offence is Bailable (meaning thereby that bail can be claimed by the accused as a matter of right) & it is triable by any Judicial Magistrate.

Confidentiality

All the parties concerned who have the knowledge of the incident of sexual harassment/complaint of sexual harassment/enquiry of sexual harassment in whatever capacity, such as, Internal Committee members, witnesses, aggrieved person (complainant), respondent etc. shall maintain the confidentiality with regards to the contents of the complaint, identity & address of the aggrieved person, respondent, witnesses, information relating to conciliation and inquiry proceedings, recommendations of the committee and action taken by the employer. The same shall not be published, communicated, or made known to the public, press and media in any manner.

Any person whoever contravenes the provision of this clause will be punished with fine as per the provisions of the Act of 2013.

Non - Retaliation

The aggrieved person or any person who in good faith has participated in the inquiry or has provided information pertaining to the incident/s of sexual harassment shall be protected from any kind of retaliation and the Company will observe zero tolerance in the case of any such retaliation. Individuals engaging in retaliatory conduct will be subject to disciplinary action by the Company.

Appeal To Judicial Authority

Any person aggrieved by the recommendation of the Internal Committee, can appeal to the competent judicial authority (appropriate court of justice/judicial machinery) notified by the Government as per the provisions of the Act of 2013 within 90 days from the date of the recommendations by the Internal Committee.

Review

The Company shall review and amend this policy in line with any statutory changes or as per its discretion from time to time.