



POLICY ON PREVENTION, PROHIBITION AND
REDRESSAL OF SEXUAL HARASSMENT AT THE
WORKPLACE (POSH)

Version 2.0 : September 2020

1. OBJECTIVE

- 1.1. Phonographic Performance Limited (the "Company") strives to provide a professional work environment free of any harassment including Sexual Harassment (defined below), exploitation and intimidation. The Company also believes that all Employees (as defined hereinafter) and Third Party Associates (as defined hereinafter) have a right to be treated with dignity and respect, and a right against unfair discrimination at the Workplace (defined hereinafter).
- 1.2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the "Act") has made it mandatory for every employer at a Workplace as defined under Section 2(o) of the Act (the "**Workplace**") to formulate a policy against sexual harassment to address all incidences of sexual harassment that may arise at the Workplace. This policy on prevention of Sexual Harassment at the Workplace is framed in accordance with the provisions of the Act and rules framed thereunder ("Policy"). In the event of any conflict between the Act and the Policy, the provisions of the Act shall prevail.

2. APPLICABILITY

- 2.1. This Policy shall be applicable to all employees of the Company as defined in Section 2(f) of the Act which is a person employed at a Workplace 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 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 such name (the "Employees"). It also applies to all vendor employees, off-roll employees, trainees, interns, consultants, visitors, client employees of the Company (the "Third Party Associates").
- 2.2. The Policy shall apply to all allegations of Sexual Harassment (as defined hereinafter) by an Employee against another Employee or a Third Party Associate, and vice versa, [occurring (i) within the premises of the Company; (ii) where the Complainant (as defined hereinafter) is an Employee, any premises where the Employee is present in the course of discharging his/ her duties of employment; and (iii) where the Complainant is a Third Party Associate, any premises where such Third Party Associate is present in the course of discharging its contractual obligations to the Company. The Policy shall apply to all business related activities of the Company and shall include, but is not limited to, work related functions such as team events, client dinners, award functions, company celebrations, business trips, off-site meetings and conferences etc.

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[CIN: U 74999 MH 1941 GAP 142271]

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3. DEFINITION OF SEXUAL HARASSMENT

3.1. "Sexual Harassment" includes any unwelcome sexually determined behaviour/conduct (whether directly or by implication) such as:

- 3.1.1. physical contact and advances;
- 3.1.2. a demand or request for sexual favours;
- 3.1.3. sexually-coloured remarks;
- 3.1.4. showing pornography; or
- 3.1.5. any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

3.2. The following specific scenarios shall be considered sexual harassment at the work place:

- 3.2.1. Implied or explicit promise of preferential treatment in employment;
- 3.2.2. Implied or explicit threat of detrimental treatment in employment;
- 3.2.3. Implied or explicit threat about present or future employment;
- 3.2.4. Interference with work or creating an intimidating or offensive or hostile work environment; or
- 3.2.5. Humiliating treatment likely to affect health or safety.

3.3. **Examples of actions of Sexual Harassment include, but are not limited to the following:**

3.3.1. Unwelcome sexual advances

These include patting, pinching, brushing up against, winking, hugging, kissing, fondling, or any other similar physical contact considered unwelcome.

3.3.2. Requests for demands for sexual favours

These include subtle or blatant pressures or requests for any type of sexual favours accompanied by an implied or stated promise of preferential treatment or negative consequence concerning an individual's employment status.

3.3.3. Sexually-coloured remarks

These include verbal abuse or joking that is of a sexual nature and considered unwelcome or offensive by another individual. For example, comments about an individual's body or appearance where such comments are beyond mere courtesy, cracking of offensive jokes, sexually-oriented comments, innuendoes whether in person or through electronic / social media (whatsapp, text messaging, email, facebook etc) or any other



actions that offend others.

3.4. General

3.4.1. In addition to the above, determining what constitutes Sexual Harassment depends upon the facts and the context in which the conduct occurs. Sexual Harassment may take many forms - subtle and indirect, or blatant and overt.

3.4.1.1. It may be committed by a man or a woman (Respondent), against a man or a woman (Complainant);

3.4.1.2. It may occur between peers or between individuals in a hierarchical relationship;

3.4.1.3. It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behaviour or work performance; and

3.4.1.4. It may consist of repeated action or may arise from a single incident.

3.4.2. Relationships (sexual or otherwise) which are consensual are not unlawful, as such relationships are the private business of the concerned persons unless they are in conflict with the Company's policies or they prejudice the legitimate business interests of the Company in any manner whatsoever.

4. INTERNAL COMMITTEE AND DISCIPLINARY COMMITTEE

4.1. Constitution of the Internal Committee

4.1.1. The Company has constituted an Internal Committee in terms of Section 4 of the Act, which would deal with all formal complaints and allegations of Sexual Harassment (the "Internal Committee"). The Internal Committee shall have four (4) members, of which the presiding officer shall be a woman employed in a senior role at the Company (the "Presiding Officer"). If a senior woman officer is not available, the PO can be nominated from other offices

4.1.2. two (2) members from amongst the employees committed to the cause of women or who have experience in social work or have legal knowledge of matters concerning sexual harassment (together "Employee Members"); and one (1) external member who is familiar with the issues relating to sexual harassment. It is mandated that not less than half of the members of the Internal Committee shall be women. All members of the Internal Committee shall be selected or approved by the board of directors of the Company or a senior member of the management, to whom the board delegates this authority.

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4.1.3. The names of the members of the Internal Committee along with their contact details shall be displayed, from time to time, on the notice boards(s) at each of its offices/premises across the country, and/or the internal website / intranet of the Company. The Company shall also regularly and promptly notify (in the aforesaid manner) any changes in the constitution of the Internal Committee, or to the contact details of the members of the Internal Committee.

Current nominated members of the committees are mentioned in Annexure A.

4.1.4. The Presiding Officer and every other member of the Internal Committee shall hold office for such period not exceeding three (3) years from the date of their nomination, as may be specified by the board of directors of the Company or their designee.

4.1.5. The Internal Committee shall hear and investigate sexual harassment complaints of women present at the Workplace, whether employed or not

4.2. Constitution of Disciplinary Committee

4.2.1. The Company under its code of conduct has constituted a disciplinary committee ("Disciplinary Committee") which shall consist of members as mentioned in Annexure 1 of this policy.

4.2.2. Disciplinary Committee shall hear and investigate all cases of Sexual Harassment filed by genders other than women.

4.3. **Disqualification of Membership**

4.3.1. A member of the Internal Committee/ Disciplinary Committee shall cease to hold office as a member in the event such member:

4.3.1.1. Is found guilty of disseminating information about a complaint brought before the Internal/Disciplinary Committee including details of the Complainant or the Respondent;

4.3.1.2. Is found guilty in any disciplinary proceeding; or

4.3.1.3. Has so abused such member's position in such a manner as to render such member's continuance in office prejudicial to the interests of the Employees of the Company.

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4.3.2. In addition to the grounds mentioned in Clause 4.2.1 above, an Employee Member shall cease to hold office as a member of the Internal/Disciplinary Committee in the event of any of the following occurrences:

- 4.3.2.1. If the Employee Member ceases to be an Employee of the Company;
- 4.3.2.2. If the Employee Member has been found guilty of
 - (i) committing an act of Sexual Harassment OR
 - (ii) any misconduct in accordance with the rules of the Company.

If the Employee Member is related to the Respondent and/or the Complainant or is otherwise conflicted in any manner whatsoever, they must recuse themselves from the Internal/Disciplinary Committee, for that particular matter.

In the event of any disqualification, resignation or termination of appointment (by the Company) of any member, the Company shall, with respect to an outgoing Employee Member, forthwith notify a substitute Employee Member and shall, with respect to the other members, make best efforts to find a substitute member as quickly as possible.

4.4. **Yearly Report**

4.4.1. The Internal/Disciplinary Committee shall, at the end of each calendar year, prepare a consolidated report of all the complaints relating to Sexual Harassment received and the actions taken by the Company thereon and shall submit the same to the concerned government department with a copy to the management of the Company.

4.5. **Functions of the Internal/Disciplinary Committee**

4.5.1. In addition to the specific responsibilities that have been set forth under the Act, the Internal/Disciplinary Committee shall have the following general responsibilities:

- 4.5.1.1. Implementation of this Policy;
- 4.5.1.2. Conducting inquires in accordance with the procedures set out below applying the principles of natural justice and ensuring compliance with the Policy in all actions taken under, or in connection with, this Policy;
- 4.5.1.3. Organizing workshops or interactive programs to spread

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awareness of the issue of sexual harassment as well as this Policy amongst the Employees of the Company; and

- 4.5.1.4. Keeping a record of all complaints received and the actions taken by the Internal/Disciplinary Committee and the Company thereon.

4.6. Decisions

- 4.6.1. The decisions of the Internal/Disciplinary Committee shall be made by majority vote of its members, and in cases of division of votes equally, the Presiding Officer shall have a casting vote.

5. REDRESSAL MECHANISM

5.1. Basic Procedures

There are primarily two (2) basic procedures that can be followed with respect to any allegation of Sexual Harassment i.e.:

- Conciliation procedure;
- Enquiry procedure.

5.2. Initiation of Complaint

5.2.1. Who can make a complaint to the IC?

Any Employee who has experienced or has been subjected to any act of Sexual Harassment by another Employee or a third party (the "Complainant") shall be entitled to lodge a formal complaint in writing to the Internal/Disciplinary Committee as the case may be, by sending an email to icc@pplindia.org or a complaint in writing to the members of the Internal/Disciplinary Committee

- 5.2.2. Where the Complainant is unable to make a complaint on account of physical incapacity, a complaint may be filed on the Complainant's behalf by a relative, friend, co-worker, an official of the National/State Commission for Women, or with the prior written consent of the Complainant, by any person who has knowledge of the incident. Where the Complainant is unable to make a complaint on account of mental incapacity, a complaint may be filed on the Complainant's behalf by a relative, friend, a special educator, a qualified psychiatrist or psychologist, the guardian or authority under whose care the Complainant is receiving treatment or by any person who has knowledge of the incident jointly with any of the other

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persons mentioned above. Where the Complainant is dead, a complaint may be filed by any person who has knowledge of the incident with the prior written consent of the legal heir of the deceased Complainant.

5.2.3. When to make a complaint?

The Complainant is required to lodge a complaint promptly or no later than three (3) months from the date of occurrence of the alleged act of Sexual Harassment, and in case of series of incidents, within a period of three (3) months from the date of the last incident. The Internal/Disciplinary Committee, as the case may be, can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

5.2.4. How to make a complaint?

The complaint shall be made in writing. The Complainant is required to submit six (6) copies of the Complaint along with evidence and the names of witnesses (if any) to the Internal/Disciplinary Committee. However, a complaint made by mail sent to icc@pplindia.org is also acceptable.

Where the Complainant is unable to file the complaint in writing, the Presiding Officer or any other member of the Internal/Disciplinary Committee shall provide reasonable assistance the Complainant in making the complaint in writing. Provided however, in no event shall any member of the Internal/Disciplinary Committee as the case may be, shall write the complaint on behalf of the Complainant.

5.2.5. Process to be followed after the receipt of complaint in writing

- On receipt of the complaint, the Internal/Disciplinary Committee shall serve a copy thereof to the Respondent within a period of seven (7) working days.
- On receiving a copy of the complaint filed by the Complainant, the Respondent shall file a response to the complaint along with supporting documents, and names and addresses of witnesses within a period not exceeding ten (10) working days from the date of receipt of the copy of the complaint as aforesaid.

5.3. **Conciliation**

- 5.3.1. Prior to initiating an enquiry into the Complaint, the Internal/Disciplinary Committee may, only at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

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5.3.2. If a settlement is reached between the Complainant and the Respondent, the Internal/Disciplinary Committee shall record the settlement so arrived and forward the same to the Company, directing the Company to take appropriate action as recommended by the Internal/Disciplinary Committee.

5.3.3. The Internal/Disciplinary Committee is required to provide the Complainant and the Respondent with copies of the settlement for their records.

5.3.4. In the event a settlement is reached between the Complainant and the Respondent under this clause, no further enquiry shall be carried out by the Internal/Disciplinary Committee

5.4. **Inquiry Procedure**

5.4.1. The inquiry procedure of redressal of a Complaint submitted to the Internal/Disciplinary Committee shall include:

5.4.1.1. Processing of the Complaint

Upon the initiation of the enquiry procedure upon either of

- (i) the failure of the conciliatory procedure under Clause 5.3 above;
- (ii) the Complainant opting for the Enquiry Procedure; or
- (iii) the Respondent failing to comply with any of the terms of the conciliation settlement or otherwise, the details of the complaint shall be circulated to the members of the Internal/Disciplinary Committee.

The complaint shall be kept in the strictest of confidence at this stage. The Presiding Officer shall then call a meeting of the Internal/Disciplinary Committee to begin the enquiry procedure.

5.4.1.2. Inquiry Procedure

- The Internal/Disciplinary Committee shall make an enquiry into the complaint in accordance with the principles of natural justice.¹ All proceedings of the Internal/Disciplinary Committee shall be conducted with the presence of a minimum of three (3) members of the Internal/Disciplinary Committee, as the case may be, ("Quorum"). The Presiding Officer must be present for all

¹ Natural justice is a concept of common law and represents the procedural principles developed by the courts, which every judicial, quasi-judicial and administrative agency must follow while taking any decision adversely affecting the rights of a private individual. Natural justice implies fairness, equity and equality. The principle of natural justice encompasses the following two rules: - (i) No one should be made a judge in his own cause or the rule against bias; and (ii) no one should be condemned unheard.



proceedings.

- During the course of the inquiry process, the Internal/Disciplinary Committee may also pass interim order(s) as deemed appropriate.
- The Internal/Disciplinary Committee, as the case may be, shall decide in each case on the appropriate process for gathering relevant information from the Complainant, the Respondent and any witnesses. This may include oral and/or written statements but in each case the Complainant and the Respondent will have the opportunity to present their case to the Internal/Disciplinary Committee in person. The Internal/Disciplinary Committee shall notify the Complainant and the Respondent (as well as the witnesses, if any) of the time and venue of the hearing(s).
- The Internal/Disciplinary Committee shall also have the right to terminate the enquiry proceedings or to give an *ex parte* decision upon providing 15 days prior written notice, in the event the Complainant or Respondent fails to be present before The Internal/Disciplinary Committee without showing sufficient cause for three (3) consecutive hearings.
- The parties are not permitted to engage any legal practitioner or other third party to represent them in their case at any stage before the Internal/Disciplinary Committee, as the case may be.
- During the pendency of the inquiry, on a written request made by the Complainant, The Internal/Disciplinary Committee shall have the right to recommend any one (1) or more of the following to the Company, at Internal/Disciplinary Committee's sole discretion (given facts and circumstances of each case):
 - Transfer the Complainant or the Respondent to any other Workplace;
 - Grant paid leave to the Complainant for a period of up to three (3) months in addition to the regular normal leave entitlement of the Complainant;
 - Restrain the Respondent from reporting on Complainant's work performance or writing confidential report, and

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- assign the same to another person
- Change the reporting if Complainant reports to the Respondent or
- Grant such other relief to the Complainant as it may deem fit.
- The Internal/Disciplinary Committee as the case may be, shall complete the enquiry within a period of ninety (90) days from receiving the complaint.

5.4.1.3. Report

- Upon completion of the hearing, the Internal/Disciplinary Committee as the case may be shall prepare a confidential report (the "Report"), which Report shall include a summary of the proceedings, the evidence adduced by the parties and the witnesses, and shall submit the same to the Company within a period of ten (10) days from the date of completion of the enquiry. Any person aggrieved by the recommendations of the Internal/Disciplinary Committee may make an appeal against the same under Section 18 of the Act, within a period of ninety (90) days from the date on which the recommendations are made.
- The Report shall further set out the Internal/Disciplinary Committee's conclusions on whether an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or whether the complaint made by the Complainant is false and based on *mala fide* reasons (for reasons/ rationale to be recorded in writing in each instance thereon). The Report shall further set out the Internal/Disciplinary Committee's as the case may be recommendations on the disciplinary action(s) to be taken in the circumstances. All members of the Internal/Disciplinary Committee shall sign the said Report.
- A copy of the Report must be made available to both parties (to both Complainant and Respondent) enabling them to make representation against the findings, if required.

5.5. **Implementation**

- 5.5.1. Depending upon the gravity of the offence and without prejudice to any legal right(s) the Company may have, in the event The Internal/Disciplinary Committee is of the view that the incident of Sexual Harassment has been

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proved, the Internal/Disciplinary Committee shall forward the Report to the Company and make any of the following recommendations to the Company:

- 5.5.1.1. To take action against the Respondent including (i) declaring the action to be "misconduct" under the provisions of the applicable service rules (if any) or the Respondent's employment agreement; (ii) procuring from the Respondent a written apology; (iii) issuing a warning, reprimand or censure; (iv) withholding of promotion; (v) withholding of pay rise or increments; (vi) termination from service; (vii) direction to undergo counseling sessions; and/or (viii) direction to carry out community service.

The Internal/Disciplinary Committee must recommend, in addition to the punishment provided above, to deduct from the salary of the Respondent, such sum as it may consider appropriate to be paid to the Complainant and in the event the Company is unable to deduct such amount due to the Respondent being absent from duty or cessation of employment, the Internal/Disciplinary Committee shall direct the Respondent to pay the amount directly to the Complainant. Further, in the event the Respondent fails to pay the amount mentioned in this Clause 0, the Internal/Disciplinary Committee shall forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer authorised under the Act.

- 5.5.2. The aforesaid recommendations are illustrative and not exhaustive and the Internal/Disciplinary Committee may make such other recommendations as it may deem fit.
- 5.5.3. The board of directors of the Company or its designee, as the case may be shall give effect to the recommendations of the Internal/Disciplinary Committee within a period of sixty (60) days from the date of receiving the Report.

6. QUANTUM OF COMPENSATION

- 6.1. In the event the Respondent is found guilty, and the disciplinary action taken by the Internal/Disciplinary Committee includes the payment of a monetary settlement to the Complainant, the Internal/Disciplinary Committee shall consider the following in arriving at the quantum of compensation payable to the Complainant:

- 6.1.1. the mental trauma, pain, suffering and emotional distress caused to the

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- Complainant;
- 6.1.2. the loss in career opportunity due to the incident of Sexual Harassment;
- 6.1.3. medical expenses incurred by the Complainant for physical or psychiatric treatment;
- 6.1.4. the income and financial status of the Respondent; and
- 6.1.5. the feasibility of such payments in installments or a lump-sum amount.

7. POWERS OF INTERNAL/DISCIPLINARY COMMITTEE

- 7.1. The Internal/Disciplinary Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when conducting an enquiry under this Policy. The Internal/Disciplinary Committee shall have the power to:
 - 7.1.1. Summon and enforce attendance of any person and examine such person on oath; and
 - 7.1.2. Require the discovery and production of documents.

8. PREVENTIVE STEPS

- 8.1. The Company shall undertake the following preventive measures to ensure that Sexual Harassment does not occur:
 - 8.1.1. Provide a safe working environment at the Workplace which shall include safety from the persons who may come into contact with Employees at the Workplace;
 - 8.1.2. Display at any conspicuous place in the Workplace, the penal consequences of Sexual Harassment; and the order constituting the Internal/Disciplinary Committee;
 - 8.1.3. Organise workshops and awareness programs annually to sensitize the Employees of the provisions of the Act and annual orientation and skill building programs for the members of the Internal/Disciplinary Committee
 - 8.1.4. Provide necessary facilities to the Internal/Disciplinary Committee for dealing with complaints that may be initiated under this Policy and conducting an enquiry;
 - 8.1.5. Assist in securing the attendance of the Respondent and witnesses before the Internal/Disciplinary Committee;
 - 8.1.6. Provide all information necessary to the Internal/Disciplinary Committee in relation to a complaint;
 - 8.1.7. Provide assistance to Employees if they choose to file a formal complaint against the Respondent under the Indian Penal Code or any other statute;
 - 8.1.8. Initiate action under the Indian Penal Code or other statute against the perpetrator in the event he or she is not an employee of the Company;
 - 8.1.9. Treat Sexual Harassment as a misconduct under the service rules and initiate action for each misconduct; and

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8.1.10. Monitor the timely submission of reports by the Internal/Disciplinary Committee.

8.2. Apart from the measures mentioned in Clause 9.1, the Company shall:

8.2.1. Carry out orientation programs and seminars for the members of the Internal/Disciplinary Committee;

8.2.2. Conduct capacity building and skill building programs for the members of the Internal/Disciplinary Committee

9. MISCELLANEOUS

9.1. The Company shall in consultation with the Internal/Disciplinary Committee periodically review the provisions of this Policy and its implementation. The Company reserves the right to amend the provisions of this Policy, from time to time, as it deems fit, so long as the Policy is in compliance with the provisions of the Act.

9.2. For the questions regarding this Policy, the HR representative or a member of the Internal/Disciplinary Committee at icc@pplindia.org can be contacted.

9.3. The contents of a Complaint under this Policy and the inquiry proceedings set out hereunder shall be confidential under all circumstances. Except as required by law and based on the advice of legal counsel, the Company shall not disclose to any third party, other than the attorneys and qualified advisers of the Company, on a need-to-know basis who agree to be bound by the terms of this Policy, information regarding the matters contemplated by this Policy.

10. FALSE OR MALICIOUS COMPLAINTS AND EVIDENCE

10.1. During the course of an inquiry being conducted by The Internal/Disciplinary Committee if it is found that the Complainant has (i) made a false or malicious complaint; or (ii) submitted false documents implicating the Respondent, the Internal/Disciplinary Committee, as the case may be can initiate separate proceedings against the Complainant and if found guilty, the consequences include disciplinary action including a written apology, warning, reprimand or censure, paying compensation, withholding of promotion, withholding of pay rise or increments, termination from service or undergoing counseling sessions or carrying out community service or any other disciplinary action as it may deem fit against the Complainant.

10.2. It is clarified that the mere inability of the Internal/Disciplinary Committee to substantiate a Complaint made to the Internal/Disciplinary Committee, as the case may be shall not amount to a false or malicious complaint.

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11. NO RETALIATION OR VICTIMIZATION

The Company will permit no employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment. Any employee indulging in retaliatory behavior shall be subjected to an investigation for misconduct and if found guilty, liable for appropriate penalties / punishment.

12. FORMAT OF THE COMPLAINT

The Complaint should contain the following key points:

Name of Complainant:
Employee Id:
Department:
Date of Complaint:

Name of Respondent:
Department (if applicable):
Email ID / Employee ID (if applicable and available)

Description of Complaint (including date of incident):
All evidence/ material in support of the complaint, including witnesses (if available):

Signature/ email id of Complainant

13. ANNEXURE A: INTERNAL COMPLAINTS /DISCIPLINARY COMMITTEE AT PHONOGRAPHIC PERFORMANCE LIMITED.

Sr. No	Names	ICC capacity	Contact number
1.	Ms. Florine Pinto	Presiding Officer	98206 64783
2.	Mr. Viral Gandhi	Internal Member	91371 10937
3.	Mr. Shailesh Kripal	Internal Member	81691 23740
4.	Ms. Mani Malar Hirijagner	Internal Member	97733 11882
5.	Ms. Rivya Singh	External Member	96198 88118

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