

Anti-Sexual Harassment Policy

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Objective:

In compliance with the provisions of Republic Act No. 7877 (Anti-Sexual Harassment Act) and Republic Act No. 11313 (Safe Spaces Act), Firstsource Solutions Limited, Philippines (“**Company**”) has implemented this Anti-Sexual Harassment Policy (“**ASH Policy**”) to prevent the occurrence of sexual harassment in the workplace, and to facilitate the investigation and resolution of sexual harassment complaints. The Company’s approach towards sexual harassment is to spread awareness and to take preventive actions thereby putting a stop to Sexual Harassment at the workplace and in the event of an occurrence of any incident of sexual harassment, enforce strong reformatory action.

Key Definitions:

(a) **Sexual harassment** – shall include the following:

- i. Acts of sexual harassment committed by an employer, employee, manager, supervisor, agent of the employer, or any other person who, having authority, influence, or moral ascendancy over another in a work environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.
- ii. Sexual favors made as a condition in the hiring or in the employment, reemployment or continued employment of an individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in a way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee.
- iii. An act or series of acts of gender-based sexual harassment from any employee or officer of the Company involving unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other form of Information and Communications Systems, that has or could have a detrimental effect on the conditions of an individual’s employment or education, job performance or opportunities.
- iv. A conduct of sexual nature or other conduct-based on sex committed by any officer or employee affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging, electronic mail, social media, or through any other forms of information and communication systems;

- v. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient who can be a peer, a subordinate or a superior officer.

(b) **Workplace** - any work or training environment, which includes but is not limited to the following:

- i. In the Company premises or training site;
- ii. In the Company premises or training-related social functions;
- iii. In the course of work assignments outside the Company premises;
- iv. At work-related conferences, studies or training sessions;
- v. Or during work-related travel.

(c) **Information and communications systems** – system of generating, sending, receiving, storing or otherwise processing electronic data message or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Anti-Sexual Harassment Committees:

Local Anti-Sexual Harassment Committee (LASHC)

- Constitution: The Local Anti-Sexual Harassment Committee is headed by a senior woman in the organization and not less than half of the members in the investigation quorum are women. Total number of members range from a minimum of 4 to a maximum of 10.
- The LASHC is a local body working towards ensuring that the sanctity of the ASH Policy is maintained specifically in a location in the Company. This would involve the members meeting once a quarter to summarize all the cases in the previous months. The Chairperson of the LASHC will identify the quorum who will investigate a case reported. The LASHC shall ensure that the process flow laid out is adhered to while investigating a case and stays in constant connect with the Convener through every aspect of the ASH Policy specific to the location.
- LASHC handles the cases that come up in the location, and its decisions, whether arrived with or without consulting the Convener are considered as binding and final and shall be executed by the Human Resource Department (“HR”).
- LASHC will maintain all information, documents, pieces of evidences and the other materials on cases that are reported in the Company and will submit the same quarterly to Convener. The original documents relating to every case are maintained and stored by LASHC.

Training:

The Company shall conduct regular education and awareness programmes, with the help of diverse mediums of training e.g., workshops, sessions, computer-based training etc. to increase understanding and prevent any forms of sexual harassment in the workplace.

Complaints Procedure:

The complaints procedure has been outlined in consideration of the local laws of geography. These procedures are based on an overall process flow as indicated below:

- Incident of Sexual Harassment
- Complaint
- Preliminary/explicatory conference
- Written formal complaint
- Notice To Explain (NTE) with Preventive Suspension
- Investigation
- Administrative Hearing
- Final Verdict
- Appeal Process
- Monthly Action Taken Report to LASHC by HR Department.
- Quarterly report submission for review to Convener

Complaint

- If an employee experiences or witnesses sexual harassment in the workplace, he/she should reach out to:
 - Any member of the local Human Resources Team.
 - Any member of the local POSH Committee or central POSH Committee
- **Alternatively, employees can write directly to the committee on a confidential mail id confidant@firstsource.com.**

Preliminary/explicatory conference

- On hearing or receiving the complaint, the LASHC shall first conduct a conference to clarify and confirm whether the facts, as stated by the victim have adequate potential to result into a case of sexual harassment. During this process, if it is found that the case does not involve a sexual harassment, then the case shall be endorsed to the appropriate forum in the Company dealing with such cases.
- Documentation: Minutes of the conference signed by all participants.

Written formal complaint

- Upon determining that the complaint is a case of sexual harassment, LASHC shall formalize the complaint in writing, signed and sworn by the victim.

Notice To Explain with Preventive Suspension

If the committee concludes that there is probable cause to file a case against the offender, the committee will summon the offender after careful consideration and evaluation of the evidence provided by the complainant and issue a Notice to Explain (“NTE”) with Preventive Suspension that will not exceed 30 calendar days for any reason whatsoever. The respondent will then be given five (5) calendar days to study the accusation presented against them, to file their counter affidavit, present the evidences to prove their innocence and rebut the evidences submitted against them.

Documentation: NTE with Preventive Suspension, counter affidavit of the offender along with evidence.

Investigation

- The committee shall constitute an investigating quorum to investigate the issue and prepare an incident report at the end of the investigation. The committee for the purpose of its investigation would be entitled to elicit all forms of evidence, including access to written communication, witnesses, previous records, and all the employees and the organization would co-operate in this regard.

Administrative Hearing

An Administrative Hearing should be conducted within 48 hours from the receipt of the counter affidavit submitted by the offender (any reasons for delay of administrative hearing have to be recorded in writing). At this hearing both the parties will be invited to present their case before the appropriate quorum of LASHC, the Chairperson of LASHC shall be presiding the hearing. The Administrative hearing is an opportunity for the offender to:

- I. Explain and clarify the defenses to the charge against offender
- II. Present evidence in support of the defenses
- III. Rebut the evidences presented against offender by the Management and victim
- IV. They also have an option to defend themselves personally or with the assistance of representative or a counsel of their choice.

The hearing shall be recorded and the minutes of the hearing shall be encoded and acknowledged by all attendees. In an administrative proceeding, the guilt of the offender need not be shown by proof “beyond reasonable doubt” as required by our penal law, it shall be sufficient that there must be substantial evidence to support the same. Substantial evidence is defined as such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

Immediately after the administrative hearing, the committee shall deliberate as to the proper disciplinary action to be imposed based on the information provided for in the formal complaint, affidavit and evidences submitted for by both parties and the result of the administrative hearing.

Documentation: Minutes of the administrative hearing and committee deliberation

Final Decision

- The committee will then submit their committee decision within 48 hours after the committee deliberation, to HR, victim and offender. LASHC shall direct the HR Department to execute the same with the time as prescribed in the order. The HR Manager for Labor shall render the decision on the case within five (5) days from receipt of the decision of the committee. The decision shall be considered as final and executory.
- Documentation: Final Order duly signed by the Members of LASHC and Notice of Decision submitted to the HR, victim and offender.
- The entire case proceedings, verdict and action, from the time of receipt of complaint should be completed at the earliest and not exceed 10 days. The case closure inclusive of appropriate documentation and record keeping should conclude within 45 working days from the receipt of the original complaint.

Appeal Process

- As a general rule, the decision of the LASHC is FINAL and EXECUTORY. However, an appeal can only prosper based on the following:
 - a) New evidence has been discovered which materially affects the decision rendered
 - b) The decision is not supported by the evidence on record
 - c) Errors of law irregularities have been committed prejudicial to the interest of the movant
- In the event that an appeal is accepted, the LASHC will reconvene and validate the appeal argument presented by the concerned party. The Committee will deliberate and decide on the case based on the presented appeal within 15 days of receipt of such appeal. The appeal shall be supported with proper evidences and documents.

Reformative Action:

If the employee was found guilty of committing sexual harassment, the applicable penalties under the Company's Code of Conduct for sexual harassment, which may include termination of employment, shall be imposed.

The LASHC shall submit its final order or decision to the SPOC of HR. HR shall execute all the actions as given in the order or the final decision within two (2) working days. After execution, HR shall submit to the LASHC an "Action taken Report" on a monthly basis, which shall state the status of implementation of the actions ordered. LASHC, thereafter, shall prepare a case file consisting of all the documents, recorded hearings, the order passed by LASHC and any other relevant document or information relating to the case. LASHC shall prepare a case report to be submitted to the Convener, for its quarterly review, immediately upon closure of a case.

Audit:

HR shall submit an “Action Taken Report” on a monthly basis to LASHC. The LASHC shall check whether the reformative action announced, or the resolution reached is implemented and conformed to. In case there is any reasonable doubt or evidence or trail of non-implementation, or reasonable doubt of re-occurrence of such sexual act or issue, the same shall be reported by LASHC to Convener. The convener shall take such actions, in consultation and with approval of the senior management, as may be deemed fit to prevent occurrence of such activity or issue.

Confidentiality:

All investigations and proceedings conducted by the LASHC shall be confidential. The Complainant, the alleged perpetrator, witnesses and any other party involved in the investigation may be required to sign a confidentiality undertaking.

Legal Action:

For the avoidance of doubt, nothing in this ASH Policy precludes the victim from instituting a separate criminal action or independent action for damages and other affirmative relief with the proper courts.