



Policy on Prevention of Sexual Harassment at Workplace (PoSH)

Effective from 23rd March, 2015

Version No [3.0]

Policy on Prevention of Sexual Harassment at Workplace (PoSH)

DOCUMENT CONTROL

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| Approved by | Pooja Yadava |
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| V 1.0 | Madhumita Budhiraja | Jatin Tyagi, Sanjay Singh, Balaji Kumar, Madhu Srivastava | 5 May 2013 |
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CAIRN INDIA CORPORATE POLICY

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE

1. PURPOSE

- 1.1. Cairn believes that the right to equality is a fundamental right, which includes the right to work with dignity. Cairn is an equal employment opportunity employer and is committed to creating a work environment that enables Employees to work without fear of prejudice and gender bias as well as providing a safe workplace that is free of sexual harassment in any form.
- 1.2. Cairn will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its Employees are not subjected to any form of harassment. Sexual harassment of Employees at the workplace or at any other place is forbidden. Sexual Harassment is a grave offence, amounts to misconduct, and is punishable.
- 1.3. The purpose of this policy is to prohibit, prevent or deter the commission of acts of sexual harassment at the workplace and to provide a procedure for receiving and redressing complaints from Aggrieved Employees pertaining to sexual harassment.
- 1.4. This policy will on the one hand oblige all Employees to honour this commitment and on the other hand assist the Aggrieved Employees to seek support and ensure remedial action.
- 1.5. All capitalized terms used under this Policy shall have the meaning as ascribed to them in the Definitions section, in Annexure I.

2. SCOPE AND APPLICABILITY

- 2.1. This policy will apply to all Cairn Employees globally irrespective of grade, employment status, position or rank and is deemed to be incorporated in the service conditions of all Employees with immediate effect.
- 2.2. This Policy shall be interpreted in conjunction with the Act.
- 2.3. This Policy shall be applicable and shall extend to all Cairn workplaces globally. The applicability of this policy is not restricted to Cairn's offices, installations or other premises alone but also extends to all its work centres, operational sites, guesthouses and other areas in India and abroad, and also to any other area or venue where Cairn's business related activities take place and includes any place visited by Employees arising out of the course of employment or engagement by Cairn including the transportation provided by Cairn for undertaking such a journey. This Policy will also be applicable to any business, social, or other functions which may be held away from Cairn's workplaces where the relevant conduct or comments constitute sexual harassment or have an adverse impact on the workplace or workplace relations.

3. WHAT CONSTITUTES SEXUAL HARASSMENT

3.1. Under this Policy apart from what goes with the term “sexual harassment” conventionally and by a common sense approach, sexual harassment includes any undesirable and/or unwelcome sexually oriented behavior (whether explicit or implicit) and shall mean to include, without in any manner limiting the meaning or interpretations thereof, physical contact, sexually coloured verbal and/or written remarks or innuendos, showing, sharing or distributing pornographic material, demanding or requesting sexual favours, or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature as well as the following sexually determined conduct:

- An implied or explicit promise of preferential treatment in the Employee’s employment.
- An implied or explicit threat of detrimental treatment in the Employee’s employment.
- An implied or explicit threat about the Employees present or future employment status.
- Interference with the Employee’s work or creating an intimidating or offensive or hostile work environment for the Employee.
- Humiliating treatment likely to affect the Employee’s health or safety.

3.2. An indicative list of behaviours that constitute sexual harassment is attached in **Annexure II**.

4. RESPONSIBILITY

4.1. All Employees have a personal responsibility to ensure that their behaviour and conduct is not contrary to this Policy.

4.2. All Employees are expected to reinforce the maintenance of a workplace culture and environment free from sexual harassment and are responsible to ensure that all instances of sexual harassment are reported to the Internal Committee (IC) through the Complaint Redressal Procedure established under this Policy.

5. COMPLAINT REDRESSAL PROCEDURE

5.1. Constitution of the Internal Committee (IC)

IC has been constituted by Cairn and has presence at its Corporate office and covers each of its locations to receive, consider and redress all complaints of Sexual Harassment under this Policy in a time bound manner. All complaints under this policy can be lodged with either the Presiding Officer or any other member(s) of the IC. The IC will comprise of the following members:

- The Presiding Officer (who shall be a senior Cairn woman Employee).
- A member nominated from the Cairn Human Resources Department.
- A member nominated from the Cairn Legal Department.
- A member nominated from the Cairn workplace location where the complaint has originated.
- An external member associated with an NGO or association committed to the cause of women, or a person familiar with issues relating to sexual harassment, or a person who is familiar with labour, service, civil and/or criminal law.
- Such other members as may be nominated by Cairn.

Policy on Prevention of Sexual Harassment at Workplace (PoSH)

- 5.1.1. The list of IC members is provided in **Annexure IV** of this Policy.
- 5.1.2. At least one half of all members (inclusive of the Presiding Officer) nominated to the IC shall be women.
- 5.1.3. While conducting either a meeting or an inquiry, a minimum of 3 members of the IC shall be present at all times to constitute a valid quorum, 2 of whom shall be women.
- 5.1.4. The Presiding Officer and the other members of the IC shall hold office for a period of 3 (three) years from the date of their nomination.
- 5.2. **Procedure for filing a complaint**
 - 5.2.1. Any Aggrieved Employee can lodge a complaint of sexual harassment in writing to either the Presiding Officer or any other member(s) of the IC within a period of 3 months from the date of the incident of sexual harassment, and in the event of a series of such incidents, within a period of 3 months from the date of the last incident ("**Complainant**").
 - 5.2.2. Any Aggrieved Employee should make the complaints under this policy at the earliest point in time. Any delay in reporting would require due explanation and the IC may extend the time limit for another 3 months if it is satisfied that reasonable circumstances existed which prevented the complaint being filed within the prescribed time limit.
 - 5.2.3. The formal complaint can be lodged in writing via email to any of the IC members or to the IC mailbox – IC@cairnindia.com or can also be handwritten. The complaints should contain to the extent possible any other supporting data (if available) and the names and addresses of the witnesses, if any. The contact details and addresses of the Presiding Officer and the other members of the IC are provided in **Annexure III** of this Policy.
 - 5.2.4. The complaint can even be made by the Complainant to his/her Line manager, HR Business Partner or any Director of Cairn. In the event that a complaint is made to the Employee's line manager, HR Business Partner or a Director of Cairn, such persons should report the same to the Presiding Officer of the IC within 2 (two) days and facilitate the lodging of a formal written complaint with the IC by the Employee within such 2 (two) days period.
 - 5.2.5. It may be noted that while there is no prescribed format for filing a complaint under this Policy, the Complainant is encouraged to file a complaint in the format provided in **Annexure V** to this Policy.

Policy on Prevention of Sexual Harassment at Workplace (PoSH)

- 5.2.6. It may be further noted that this Policy requires Complainants to provide their names and contact details while filing a complaint, as anonymous complaints do not hold credibility and will not be acted upon.
- 5.2.7. In the event that the Aggrieved Employee is unable to file a complaint on account of his / her physical or mental incapacity, the complaint may be filed on her behalf in accordance with the procedure laid down in the Act.
- 5.2.8. All appropriate measures will be taken to ensure confidentiality of the complaint and the investigation by the IC will be carried out in a manner conducive to such confidentiality. At no time shall the contents of the complaint, the identity and addresses of the Aggrieved Employee, the Respondent and the witnesses, or any information relating to any conciliation proceedings or the investigation process or the report and recommendations of the IC or the actions taken pursuant thereto be published, communicated or made know to the public, press and media in any manner.
- 5.3. **Redressal process**
- 5.3.1. Every complaint lodged under this policy shall be placed before the IC by the Presiding Officer or the relevant member(s) who received it within 2 (two) days of receipt.
- 5.3.2. Depending on the type and severity of the reported incident, as assessed by the IC, and after hearing the complainant and the Respondent, a decision will be taken by the IC as to whether or not to investigate further into the complaint and conduct an inquiry. In the event that the IC decides not to investigate into the complaint further it shall record the reasons for doing so in writing and communicate the same to the Complainant.
- 5.3.3. If the IC considers that an investigation is necessary, an Inquiry Panel will be constituted by the Presiding Officer and an inquiry shall be initiated promptly and concluded within a reasonable period of time which shall not exceed 90 (ninety) days. The inquiry will be conducted in accordance with the principles of natural justice. The inquiry guidelines are provided in **Annexure IV**.
- 5.3.4. The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
- 5.3.5. Those found guilty of a breach of the terms of this Policy by IC will be liable for appropriate disciplinary action. Disciplinary actions under this policy may range from submission of written apologies, undergoing counselling sessions, oral/written warnings, reprimand or censure, to extension of probation, withholding pay, increments, bonuses, and/or ESOP's, withholding promotion, demotion, transfer, and even termination from the service.
- 5.3.6. In addition to the actions (based on employer-employee relationship) contemplated in this policy, the Aggrieved Employee shall at all times be at liberty to choose to proceed against

Policy on Prevention of Sexual Harassment at Workplace (PoSH)

the Respondent in accordance with law and Cairn will extend all reasonable support to conclude the process .

- 5.3.7. A flow chart explaining the process from the lodging of a complaint to redressal of the same under this Policy and been provided in **Annexure – VI**.

5.4. **Protection against retaliation**

5.4.1. Regardless of the complaint (provided it is made in good faith) and the outcome of the IC proceedings, the Employee lodging the complaint and any person providing information to the IC as a witness or otherwise shall be protected against any retaliation in whatsoever form.

5.4.2. No person is expected to retaliate in any way against anyone for complaining under this Policy or for cooperating in the IC investigation and inquiry, or for having to face the disciplinary action taken by Cairn.

5.4.3. If anyone feels that he/she is facing retaliation in the nature of intimidation/ pressure to withdraw the complaint or receiving threats against reporting, testifying or otherwise participating in the investigation, he/she may report the matter to the Presiding Officer or any member(s) of the IC.

5.4.4. An act of retaliation shall be treated as an act of harassment and appropriate disciplinary action shall be taken against the person(s) found to be committing such acts.

5.5. **False/ Mala fide Complaints**

5.5.1. Making false/mala fide complaints lodged or forged or misleading documents or data submitted under this Policy will attract appropriate disciplinary action. Leaking information about a complaint or the IC proceedings to others without justification will also attract appropriate disciplinary action. Such disciplinary action shall be taken in the manner prescribed under the Act.

5.6. **Confidentiality**

5.6.1. It is the duty of all employees to ensure that all complaints made under this Policy and the information pertaining to it are kept confidential. All incidents/grievances reported under this Policy shall be treated sensitively and with confidentiality.

5.6.2. It is common knowledge that consensual relationships between Employees and those reporting to him/her, directly or indirectly, could create conflict of interest at workplace. It is therefore necessary for those in such relationships to promptly inform the management so that appropriate actions are taken to avoid conflicts of interest at workplace.

6. General

Position applicable to Contract employees, Consultants etc.:

This policy covers contract employees as well as those on service contracts working at Cairn. Cairn, therefore, reserves the right to take actions as may be appropriate, which may include termination of contract, filing complaints with the appropriate authorities etc. It is therefore enjoined on all Contractors, Contract employees, Consultants, etc. to follow this policy.

7. EXCLUSIONS

None.

8. REFERENCES

This policy may be referred to in conjunction with the following policies:

- Company Code of Business Ethics
- Terms & Conditions of Employment

9. DISTRIBUTION

- Tejas – Document Central – Policies section

Annexure I
DEFINITIONS

“The Act” shall mean The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules made thereunder from time to time (including any statutory modifications thereof);

“Aggrieved Employee” shall mean (i) in relation to a workplace, any individual, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent;

(ii) any visitor visiting the workplace across all locations of Cairn.

“Cairn” shall mean Cairn Pol & Gas.

“Complainant” shall have the meaning ascribed to it in Clause 5.2.1;

“Employee” shall mean persons employed by Cairn at a workplace for any work on regular, temporary, adhoc 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 included a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

“IC” shall mean the Internal Committee constituted as per Clause 5.1;

“Respondent” means a person against whom Aggrieved Employee has made a complaint as per Clause 5.2.1;

ANNEXURE II

INDICATIVE LIST OF BEHAVIOURS THAT CONSTITUTE SEXUAL HARASSMENT

“Sexual Harassment” shall include both verbal harassment and non-verbal harassment:

Verbal Harassment shall include:

- Any taunting/snide remarks based on sex (including pregnancy or a related medical condition), sexual orientation, gender identity, marital status or personal appearance, colour of skin, attire/dressing, etc.;
- Phone calls or messages/emails on mobiles/computer(s) etc which are intrusive, threatening, abusive or offensive;
- Intrusive questions/remarks about sexual activity or behaviour, tales of sexual exploits, unwelcome comments about bodies of women/men, etc.;
- Telling lewd jokes, using offensive language, singing or humming vulgar songs etc.;
- Continued attempts to foster personal interaction despite a clear indication of disinterest, repeated suggestions for unwanted social activities either inside or outside the workplace, etc.

Non-verbal Harassment shall include:

- Displaying of books, photographs, paintings, films, pamphlets etc. containing 'indecent representation of women/men', etc.;
- Offensive gestures, staring, leering or whistling with an intention to insult, humiliate or embarrass others, etc.;
- Viewing or sharing through letters, phone, electronic instant messaging or e-mail messages any pornographic pictures, posters, Internet sites etc.;
- Monitoring the use of phones, internet, emails of any other form of electronic communication by the Employee with an intention to intrude on his/her privacy, etc.;

Physical Harassment:

- Molestation, unwelcome hugs, kisses, brushing, fondling, pinching, touching etc.
- Indecent exposure, etc.
- Stalking, intrusion upon privacy, physical confinement, etc., in the following ways,
 - following or approaching the Employee; or
 - loitering near, watching, approaching or entering a place where the Employee resides ,works or, visits or,
 - keeping the Employee under surveillance or
- Taking photographs/videos without permission or after objection to such action, sharing of the images so captured, etc.

Note: This is an indicative list only and any action not falling in the above categories also would qualify for action under this policy if such action causes sexual harassment.

Annexure-III

Investigation Guidelines

INTRODUCTION

This Annexure serves as a procedural guide for investigating into the complaints.

Complaint

The complaint/ grievance must contain:

- Complainant's name, designation and contact numbers;
- Name, designation and contact numbers of the person against whom the complaint is being made (to the extent known);
- Nature and details of the incident;
- Identity of witnesses, if any;
- Other potential complainants, if any;
- Any other information that can be of help.

LODGING A COMPLAINT

Any person who has been a victim of harassment, including sexual harassment, can approach the line manager or HR Business Partner or the Presiding Officer or any member(s) of the IC or any Director of Cairn with either a formal written complaint or a verbal complaint or a complaint made over e-mail or through any other mode of electronic communication. Complaint can also be sent to **IC@cairnindia.com**.

All complaints will be received and investigated by the IC.

ASSESSING EXISTENCE OF A PRIMA FACIE CASE

The first step for the IC is to check if *prima facie* case exists. To determine this, the following factors will be considered by IC:

- The Complainant has personally suffered adverse effect or his/her ability to work is impacted adversely or his/her reputation is affected adversely.
- The complaint is against a behaviour that has been prohibited by the laws of land/public policy/this policy.

Choice of Conciliation

Depending on the nature of complaint and subject to the Complainant agreeing, IC may opt for referring the complaint to a conciliation process to resolve the matter.

The IC/its members/ or others should at no stage pressurize the Complainant or the person(s) complained against to accept the proposed result of the conciliation process.

Policy on Prevention of Sexual Harassment at Workplace (PoSH)

Failure of the conciliation process will not be viewed adversely against the Complainant and the person(s) complained against.

INITIATING THE FORMAL INQUIRY

- There shall be investigation into a complaint which is not suitable for conciliation, or if either of the parties is not willing to accept the conciliation process or proposed settlement arrived at through the conciliation process or if for some reason or the other conciliation can't proceed further.
- The Presiding Officer of the IC shall constitute an Inquiry Panel consisting of not less than 3 (three) persons (including the Presiding Officer) from amongst the IC members, 2 (two) of whom should be women. If more than 3 (three) members are present then one half of the members present (including the Presiding Officer) should be women. The Inquiry panel must have the External member (Lawyer, NGO) as defined earlier.
- The Inquiry Panel shall have its first meeting no later than 5 (five) working days after its constitution.

INVESTIGATION PLAN

The Inquiry Panel shall meet regularly to examine the issues involved. The Inquiry Panel may even prepare an investigation plan. This will help it to keep focus on the key issues to be addressed.

For instance, some of the questions arising could be:

- Did the incident occur? If so, when and where?
- Any witness to the incident?
- What are the contentious issues?
- Do the circumstances support the occurrence of the incident?
- What questions could be asked to get the facts?
- Is the complainant right in saying that the behaviour in focus was undesirable?
- Was anyone else told of the incident? Any e-mails or other communications to support this?

INVESTIGATION

- Post lodging of a complaint, if the Complainant wishes to supplement facts, he/she may be given such opportunity by the Inquiry Panel. If the Complainant lodges the complaint in a tension-ridden state of mind, this opportunity will help him / her bring out the facts.
- It helps the cause of justice if the Complainant remains consistent and does not deviate from the previously stated facts and only supplements the facts consistent with those given earlier.
- As early as possible the Inquiry Panel may contact the Respondent (s), giving him/her the brief of the complaint, and asking for his/her version of facts and circumstances.
- Following up, both parties will be given a chance to give an oral account of the facts and circumstances from their respective perspectives including names of witnesses, if any.
- The Inquiry Panel may also write to witnesses to come forward with their version of facts and circumstances leading to the alleged incident.
- While listening to/talking to the parties/witnesses, the Inquiry Panel may avoid doing so in the presence of each other, as the individuals may talk/express freely in private rather than in the presence of others.
- The Inquiry Panel may also pursue any records or documents which may be relevant to the investigation.

Policy on Prevention of Sexual Harassment at Workplace (PoSH)

- Withdrawal of a complaint, if sought by the Complainant, is permissible; IC can do so and not the Inquiry Panel. IC shall verify with the Complainant in person that the proposed withdrawal of complaint is not under pressure/undue influence.
- IC may expand the Inquiry Panel with additional members as appropriate based on need for specific expertise or knowledge.
- The Inquiry Panel is clearly expected to ensure fair play by giving reasonable opportunity to all the concerned to have their say.
- During the pendency of the inquiry, the IC, on the request of the Aggrieved Employee, may recommend any of the following actions to Cairn:
 - Transfer the Aggrieved Employee or the Respondent to another department; or
 - Grant leave to the Aggrieved Employee upto a period three months (this leave will be over and above the regular entitlement); or
 - Grant such other relief to the Aggrieved Employee as may be prescribed under the Act.

ANALYZING AND ASSESSING CREDIBILITY

This is the most crucial part of the investigation as it may not always be easy to establish the guilt beyond reasonable doubt. Credibility of what each party says has to be examined and assessed in the over-all context. If the parties remain biased rather than balanced, unable to or refuse to answer queries put to them, it may be difficult to believe their version. In such cases assessment of facts and circumstances and the roles they played becomes more important. The Inquiry Panel shall assess the probability of the facts also.

Credibility can generally be assessed by considering the following:

- Direct knowledge of the incident, behaviour in question on the part of the parties/witnesses;
- Continued social or cordial contacts between the Complainant and the person(s) complained against;
- Vague or contradictory or sketchy information;
- Information which is not convincing;
- Inability to recollect crucial details;
- Lack of cooperation;
- Motives, attitudes, demeanor of the parties/witnesses during the interview sessions;
- Non corroboration of facts.

DRAWING CONCLUSIONS

After hearing all the parties/witnesses concerned, and upon perusal of evidence and all the documents that have been submitted, the Inquiry Panel shall arrive at a conclusion. The Inquiry Panel shall submit an investigation report to the IC. The IC shall consider the same, record its comments and forward it to the Director (HR) and the Director (Legal).

Preparation of Investigation Report

- The Investigation Report shall be submitted to IC at the earliest and in any case within 40 days of constitution of Inquiry Panel. Delay, if any, shall be explained in the investigation report.
- The investigation report shall be well documented and provide sufficient evidence by which the Inquiry Panel has reached its conclusions.

Actions to be taken after submission of Investigation Report

- The IC, within 7 (seven) days of the receipt of the investigation report from the Inquiry Panel, record its considered views and forward the same to Cairn Management for its consideration.
- The Cairn Management shall take the final decision as it deems fit and proper and communicate the same to the IC.
- If the Cairn Management decides in favour of disciplinary action/s, HR will process the matter further and communicate the same to the IC and the parties.
- It will be ensured that victims or witness are not victimized or discriminated against.

Mala fide Complaint

In the event that a complaint is found to be mala fide, the Inquiry Panel may recommend disciplinary action against the complainant.

NO RETALIATION

Post conclusion of the process also there shall not be any retaliation by any person. If such retaliation occurs, IC shall deal with such retaliation as an independent complaint, and not as a consequential issue. An Annual report of the complaints shall be maintained by the IC.

Where any complaint amounts to a specific offence under IPC or under any other law for the time being in force, Cairn may initiate appropriate action by making a complaint to the appropriate authority under the law.

Policy on Prevention of Sexual Harassment at Workplace (PoSH)

Annexure IV

| Central IC IC@cairninda.com | | | |
|--|-----------------------------|-----------------------|--|
| S.No. | Member name | Mobile no. | Email |
| 1 | Pooja Yadava (Chairperson) | +91 9650080847 | Pooja.Yadava@cairnindia.com |
| 2 | Harmeet Sehra | +91 9937001965 | Harmeet.Sehra2@cairnindia.com |
| 3 | Pankaj Jain | +91 9910486058 | Pankaj.Jain@cairnindia.com |
| 4 | Shobhit Tiwari | +91 8826790808 | Shobhit.Tiwari@cairnindia.com |
| 5 | Ankita Subba | +91 9717497690 | george.fanthome@cairnindia.com |
| 6 | Deepika Punni (Coordinator) | +91 9717497680 | Deepika.Punni@cairnindia.com |

| External Member | Member name | Mobile no. | Email |
|-----------------|------------------|----------------|--|
| 1 | Renuka Sheshadri | +91 9642997633 | renukasheshadri@yahoo.com |

| IC members at the Site Location | | | |
|--|---|-----------------------|--------------------|
| S.No. | Location | Member name | Member name |
| 1 | Rajasthan North (MPT) | Seema Rayal | Monika Rajpurohit |
| 2 | Rajasthan South (RGT) | Noopur Shubhang Patel | Swapnil Sharma |
| 3 | Bhogat | Sonika Bhumbala | Basavraj Girimath |
| 4 | Rajkot + Viramgam + Jamnagar Radhanpur + Sanchor | Nikita Anil Bendre | Ashish Kumar Gupta |
| 5 | Suvali | Vireshkumar Patel | Lavanya Pattanayak |
| 6 | Ravva + Yannam + Chennai | Muthukumarasamy D. | Tharangini Pilla |
| 7 | Johrat | Nongyai H | |

| | Name | Mobile no. | Email |
|----|-----------------------|----------------|--|
| 1 | Seema Rayal | +91 8003490707 | Seema.Royal@cairnindia.com |
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Annexure V

RECOMMENDED FORMAT OF COMPLAINT

- 1. NAME OF COMPLAINANT : _____
- 2. DEPARTMENT : _____
- 3. GRADE : _____
- 4. EMPLOYEE ID : _____
- 5. WORKPLACE LOCATION : _____
- 6. CONTACT DETAILS & ADDRESS : _____

| Name, Designation and Contact Details (if available) of Person against whom Complaint is filed. | Date, time and place of incident(s). | Details of the Incident | Names and contact details of witnesses, if any: | Supporting documents and data, if available |
|---|--------------------------------------|-------------------------|---|---|
| | | | | |

Any other facts, details, background relevant to the Complaint:

Declaration: I _____, do hereby declare that I have read and fully understood the contents of the Cairn India Limited Policy on Prevention of Sexual Harassment at the Workplace and that all the contents of this complaint have been verified by me and are true.

(Signature of Complainant)

Annexure – VI

COMPLAINT LODGING & REDRESSAL PROCESS FLOW

