



POLICY OF PREVENTION OF SEXUAL HARASSMENT OF WOMEN (POSH)

Company is committed to promoting a safe and secure working environment to women employee. It will not tolerate any act of sexual harassment and will take strict disciplinary action against any employee found to be indulging in or supporting these in any form.

The Company believes that all individuals have the right to be treated with dignity and respect at work. It values the benefits of a diverse workforce.

This policy has been formulated in compliance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, to create a work environment that is safe, civilized, free from any sort of hostility and supportive to the diversity and dignity of all employees.

Objective

This policy has been formulated with following objectives

- To increase awareness on this issue, across Organization.
- To prevent possibilities of sexual harassment, and
- To define the procedure to deal with the incidence of sexual harassment if any.

Scope

This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the company.

Details of the policy

Sexual Harassment:

Sexual harassment would mean and include any of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

- Unwelcome sexual advances, requests, or demand for sexual favors, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, mail, obscene gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal, or non-verbal communication which offends the individual's sensibilities and affect her/his performance
- Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy; Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex; Conduct of such an act at workplace or outside in relation to an employee of company, or vice versa during employment; and
- Any unwelcome gesture by an employee having sexual overtones belittling remarks to a person about her gender or sexual orientation Offensive sexual graffiti, pictures or posters.



- Email and Internet use that violates this policy or the use of electronic mail system to send offensive messages/ pictures that contain sexual implications/ innuendos or any other comment that offensively addresses someone’s sexual orientation. This will also include ‘Wall-papers and screen savers’ on computer screens

What is not Workplace Sexual Harassment?

- Following-up on work absences.
- Requiring performance to job standards.
- Reprimands in relation to work/meeting targets or deadlines.
- Work-related stress e.g. meeting deadlines or quality standards
- Touching/brushing against/pushing without a sexual connotation
- Constructive feedback about work

Employee:

Any person employed for work on regular, temporary, ad hoc employees, individuals engaged on a daily wage basis, either directly or through an agent, contract labourers, co-workers, probationers, trainees, and apprentices, with or without the knowledge of the principal employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

Aggrieved woman:

In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment.

Respondent:

A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy

Workplace:

Any place visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by organization for undertaking a journey.

Constitution of IC (Internal Committee)

An “Internal Committee” will be constituted for each location by the Site Head in consultation with Head HR and not less than half of its members shall be women.

The IC at each location shall comprises of

Member	Eligibility
Chairperson	Women employed at senior level, if not available then nominated from other offices or units of the workplace.
2 Members (minimum)	From amongst employees committed to the cause of women or having legal knowledge or experience in social work
1 External member	From amongst NGO or associations committed to the cause of women or a person familiar with the issue of Sexual Harassment

**Note:**

- The names and contact details of IC members of each location are displayed on the notice board on the respective locations.
- The term of the IC Members including Chairperson shall not exceed 3 years from the date of nomination as member.
- A minimum of 3 Members of the IC including the Chairperson are to be present for conducting the inquiry.

Powers of the Internal Committee

POSH Act enumerates the powers of the Internal Committee.

1. It is entitled to initiate an inquiry into the complaint of a sexual harassment incident at the workplace
2. It can summon witnesses and parties before the committee to give a statement
3. It can assert its powers and summon evidence to be examined if it is deemed necessary to do so by the Committee

Once the inquiry is completed and if the Internal Committee finds the person guilty, it is well within its right to prescribe the following actions:

1. Initiate action against the culprit in accordance with the service rules of the organization.
2. In the absence of service rules, it can take actions like a warning, community service, withholding promotion, termination, etc.
3. It can deduct from the salary of the respondent as compensation to be paid to aggrieved women.

The POSH Act also lays down the criteria based on which the Internal Committee shall calculate the amount of compensation payable. The factors are:

1. The extent of pain, suffering mental trauma, and emotional distress caused to the aggrieved woman.
2. Loss in a career opportunity for the victim resulting from the incident of sexual harassment.
3. Medical expenses incurred by the complainant towards the physical and/or psychiatric treatment due to this incident.
4. Last but not the least, the alleged perpetrator's Income and status.

All such payment can be given to the aggrieved women as a lump sum or in instalments, as is considered judicious by the IC.

In case the respondent fails to pay the amount of compensation, the IC shall forward the case to the District Officer for the amount to be recovered as an arrear of land revenue.

Redressal process

Any aggrieved women can approach any member of IC through a written complaint for redressal of her grievance. If need be, she may approach the IC member for a confidential discussion seeking guidance in this regard. Based on such complaint an Internal Committee



meeting (IC) will be convened. The IC will hold a meeting with the aggrieved women within five days of the receipt of the complaint, but no later than a week in any case.

Confidentiality

Complaints of sexual harassment are handled confidentially with the facts made available only to those who need to know in order to enquire into and resolve the same. IC members have a responsibility, however, to gather needed information and seek a resolution once given the names of the parties involved. They will try to keep the information discreet unless the danger presented by the alleged harassment is so grave as to justify taking extraordinary steps, such as immediate administrative intervention. It is expected that the respondent will also be discreet and limit conversations about the alleged incident to those who have a role in resolving the complaint

Opportunity to respond

A person against whom a complaint has been made shall be treated fairly, informed of applicable procedures, given notice of the allegations against him/her and have adequate opportunity to respond

Inquiry

When a formal complaint has been filed, an inquiry will be conducted promptly. IC member(s) will interview the aggrieved woman, the respondent, and witnesses, if any, and gather relevant documents to conclude if any act of sexual harassment has been committed. If the IC submits of findings that an act of sexual harassment has been committed, it should also recommend the proposed disciplinary action.

The IC shall provide every reasonable opportunity to the aggrieved woman and to the respondent, for putting forward and defending their respective case.

Notification of findings

The IC shall complete the “Inquiry” within reasonable period but not later than three months from the receipt of complaint. The IC shall communicate its findings and the recommendations for action, if any to the Head HR.

The aggrieved woman and respondent will be informed in writing of the outcome.

Timelines

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days of complaint
Submission of Report by IC to Management/DO	Within 10 days of completion of the inquiry
Implementation of Recommendations	Within 60 days Appeal Within 90 days of the recommendations



Procedure

Conciliation

- The IC may, before initiating an inquiry, at the request of the aggrieved Woman, take steps to settle the matter between her and the respondent
- No monetary settlement shall be made as a basis of conciliation
- The settlement terms shall be recorded in writing and forwarded to the Head HR of the Company. Copies of the same shall be provided to the aggrieved Woman and the respondent.
- Where a settlement has been arrived at, no further inquiry shall be conducted by the IC

Inquiry

- In case, conciliation is not possible, IC shall enquire into the complaint and provide its report, as promptly as possible, but not later than 90 working days from the date of the Complaint.
- The IC shall follow principles of natural justice in all its proceedings.
- Complete confidentiality shall be maintained, unless required by law.
- A copy of the Complaint as recorded by IC shall be given to the respondent.
- The aggrieved women shall also indicate in writing whether she wishes the IC to examine any witnesses or furnish any additional evidence in support of her case.
- The respondent shall submit his response to the Complaint as well as to indicate to the IC, whether the respondent wishes to produce any witnesses or furnish any other evidence in support of his case.
- Upon receipt of the responses from the respondent and the aggrieved women, the IC shall conduct a hearing, where both the aggrieved women and the respondent shall be heard in person.
- IC shall be empowered to call upon such of the Employees who may have been witness to the incident(s) of Sexual Harassment and/or connected in any manner thereto.
- All Employees shall extend their fullest co-operation to IC.
- Upon completion of the hearing, the IC shall prepare its report, setting out its findings and recommendations on the disciplinary action(s) if any, to be taken against the respondent or aggrieved women (as the case may be).

Complaint Unsubstantiated

If the IC arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. The IC has to ensure that both the parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.

Complaint Substantiated

Where the IC arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as a misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counseling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning



- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the employer may deem fit.

Penal consequences of Sexual Harassment

In case the IC finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

Malicious Allegations

If the IC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint

Protection Against Retaliation

Retaliation is a serious violation of the POSH policy.

Retaliation includes:

- Marginalizing someone in the workplace with regard to their roles and responsibilities
- Socially ostracizing
- **Intimidating someone** close or related to the victim; (physically, psychologically, or emotionally)

Any form of retaliation against a victim or their supporters is forbidden. Persons who retaliate in the form of - Intimidation - Pressure to withdraw the case - Threats (for reporting, testifying or participating in the proceedings) should be reported to the Committee immediately. Retaliation will be treated as a major misconduct and the IC will take action to prevent/rectify the retaliation. Any person found to have retaliated against an individual for reporting harassment will be subject to disciplinary procedures.

Appeal

If the Aggrieved women / Respondent are not satisfied with the outcome of the formal complaint, she/he may appeal to the Managing Director.

Awareness

The Company will organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the said Act and orientation programs for the members of the Internal Committee.



Content of Complaint

The written complaint should contain a description of each incident(s). It should include relevant dates, timings and locations; name of the respondent(s); and the working relationship between the aggrieved women and respondent.

