

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORK
PLACE

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1. INTRODUCTION

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). The policy intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

2. OBJECTIVE

The objective of this policy is to prohibit and provide protection against sexual harassment to any employee, vendors, suppliers, consultants, trainees, visitors, community workers etc.

3. APPLICABILITY

This policy is applicable to all employees who are on rolls or on contract, trainees, interns, suppliers or vendors, consultants, visitors, students, community workers etc. The policy covers harassment of women by men or men by women. This is a zero-tolerance policy irrespective of who is involved.

4. DEFINITIONS

- a) **Employee:** means 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 other such name;
- b) **Employer:** A person responsible for management, supervision and control of the workplace.
- c) **Complainant:** In relation to a workplace, a men and woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.
- d) **Respondent:** A person against whom a complaint of sexual harassment has been made by the Complainant.
- e) **Sexual Harassment:**

- It includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: -
 - i. physical contact and advances;
 - ii. a demand or request for sexual favours;
 - iii. making sexually coloured remarks;
 - iv. showing pornography or offensive pictures or written materials; or
 - v. Verbal–unpleasant or suggestive remarks, personal comments, jokes causing embarrassment, taunts, sexist remarks (gender-based insults), offensive telephone calls/messages;
 - vi. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes;
 - vii. Giving gifts or leaving objects that are sexually suggestive;
 - viii. Eve teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy;
 - ix. Persistent watching, following, contacting of a person; and
 - x. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

- The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
 - i. Implied or explicit promise of preferential treatment in employment;
 - ii. Implied or explicit threat of detrimental treatment in employment;
 - iii. Implied or explicit threat about the present or future employment status;
 - iv. Interference with the person’s work or creating an intimidating or offensive or hostile work environment; or
 - v. Humiliating treatment likely to affect her health or safety

- f) **Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with the Company, including transportation provided for undertaking such a journey.

5. ROLE AND RESPONSIBILITIES

Individuals: It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a) Refusing to participate in any activity which constitutes harassment

- b) Supporting the person to reject unwelcome behavior
- c) Acting as a witness if the person being harassed decides to lodge a complaint.

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

Employee:

- a) Participate in the POSH programme
- b) Seek clarification on POSH including what constitutes Sexual Harassment
- c) Understand the process of giving complaint
- d) Support the fellow employee if he/she is sexually harassed
- e) Acknowledgement that the policy is understood

Management:

- a) Encourage employees to attend the POSH Awareness programme
- b) Clarify doubts on POSH
- c) Address employees' concern on POSH
- d) Support employees if they are sexually harassed

Human Resources:

- a) Organise Awareness programmes on POSH
- b) POSH policy to be displayed on the Notice board and intranet
- c) Annual Refresher programme on POSH
- d) Acknowledgement from all employees that they have understood the POSH Policy
- e) File acknowledgement from employees in their personal file

6. INTERNAL COMPLAINTS COMMITTEE

The Internal Complaints Committee (ICC) is constituted to consider and redress complaints related to sexual harassment. The Constitution of ICC is as per the Act and includes external member from NGO or person familiar with the issues relating to sexual harassment.

The committee comprises of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace

- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member, from amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment
- At least one half of the total members is women.

The Internal Complaints Committee of the Company consists of the following members:

S. No.	Name of Members	Designation	Role
1.	Ms. Monica Sehgal	Whole Time Director	President
2.	Ms. Sakshi Tomar	Company Secretary	Internal Member
3.	Mr. Ramjee Gupta	AVP - Marketing	Internal Member
4.	Ms. Sunita Sharma	Advocate	External Member

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

7. REDRESSAL OF COMPLAINTS

- The Internal Complaints Committee (ICC) in the Organisation is responsible for attending the complaints on cases of Sexual Harassment. The names and their contact details of the members of the ICC are available on the intranet and displayed in notice boards.
- The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.
- Where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.
- If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.
 - Legal heir, relative or friend

- Co-worker
- Any person having the knowledge of the incident
- If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.
- The Committee maintains a register to endorse the complaint received by it and keeps the contents confidential, if it is so desired, except to use the same for discreet investigation.
- ICC holds a meeting with the complainant after receipt of the complaint. The complainant will be formally intimated of the date of the meeting.
- If the complaint does not fall under the purview of sexual harassment or the complaint is not an offence under the sexual harassment, the same is to be dealt under the disciplinary procedure of the Foundation. The investigation of such complaints is not under the purview of ICC.

8. CONCILIATION

- The Complainant may be given an opportunity to settle the matter with the respondent through conciliation, provided monetary settlement is not the basis of conciliation.
- The settlement that is arrived at must be recorded and the copy of it be given to the Complainant and the respondent.
- The Complainant may approach the ICC if the terms of settlement are not honoured.
- The Committee can then decide to go ahead with the enquiry.
- If the settlement is not arrived during this conciliation process, then ICC starts the process of inquiry.

9. INQUIRY

- During the enquiry both parties will be given an opportunity to represent. The copies of the findings will be given to both the parties so that they can represent the committee against the findings.
- The ICC conducts the inquiry within seven days of the receipt of the complaint.
- During the pendency of the inquiry, depending on the severity of the case, ICC may request the Management for the following during the course of inquiry:
 - Transfer the complainant or the respondent to any other office, if possible, or
 - Grant leave to the complainant up to a period of three months;The leave granted to the complainant under this section is over and above the leave that is due to him/her.
- During the inquiry the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to

the ICC in writing. However, if there are fresh evidences to be produced the complainant or the respondent can make such requests.

10. REPORT SUBMISSION AND ACTION TAKEN

- The copy of the report is given by the ICC to the Complainant and the Respondent.
- If the allegation is proved in the conciliation stage, the respondent may also be directed by the Executive Director on the recommendation of ICC to make monetary payment to the complainant. The following factors may be taken into account while the Respondent is directed to pay the complainant:
 - Mental trauma, pain, suffering and emotional distress caused to the Complainant;
 - Loss in the career opportunity due to sexual harassment;
 - The income and financial state of the respondent;
 - Medical expenses incurred by the victim for physical or psychiatric treatment;
 - Feasibility of such payment in lump sum or in instalments
- If the allegation is proved in the inquiry stage, action will be taken against the Respondent as per the Standards of Conduct;
 - A letter of warning that will be placed in the personal file of the respondent
 - Stop the increment with or without cumulative effect
 - Reduction in rank.
 - Termination/dismissal from the services of the Company.
 - Any other action that the Disciplinary Authority may deem fit
- During the inquiry if it is found that the allegation against the respondent is malicious or if the complainant or any other person makes such complaint knowing it to be false or produces any forged or misleading document, action will be taken against them as per the Standards of Conduct/Standing Order.
- However, if the Complainant is unable to substantiate a complaint or provide adequate proof, no action will be taken.
- During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, action will be taken against them in accordance with the Standards of Conduct/Standing Order.
- The proceedings, conciliation or the action taken etc. is to be not made public or published and the names or addresses will not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity or any other particulars, which may lead to the identification of the aggrieved woman and witnesses.
- If the person who is entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action, which has to be taken, does not comply with the above-mentioned clauses action to be taken as per the Standards of Conduct.