

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH)



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POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH)

1 Purpose

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. 2013" and "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules. 2013", to provide our women employees, a safe workplace, free from harassment/ discrimination and to treat them with dignity and respect. Further, it also emphasizes on prevention, prohibition and redressal of complaints of sexual harassment and matters related to it. This is Zero- tolerance Policy against Sexual Harassment, incorporating the rules and procedures as mandated in the Act. This policy shall encourage employees to come forward to report any sexual misconduct, work place harassment, without any fear of retribution and with an assurance that the complaint will be taken seriously and an unbiased inquiry conducted.

2 Scope:

This Policy applies to all employees of the Company and is deemed to be incorporated in the service conditions of all employees, including permanent and temporary employees, contractual/ outsourced employees, either directly or through a contractor or individuals coming to the workplace for any purpose, but not limited to visitors, vendors, contractual resources and applies to any alleged act of sexual harassment against persons at workplace, whether incident has occurred during or beyond office hours in work place. The sexual harassment will not be tolerated, if engaged in by clients or by suppliers or any other business associates. It also includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking the Journey.

3 Definitions

Aggrieved Employee - means in relation to a workplace, any individual, of any age whether employed in the Company or not, who alleges to have been subjected to any act of Sexual Harassment by the employee of the Company.

Employer - means in any workplace, any person responsible for the management, supervision and control of the Workplace.

Respondent - Employees against whom the complaint has been filed.

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Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
- Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
- Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will
- Demand or request for sexual favors
- Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
- Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
- Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.
- Giving gifts or leaving objects that are sexually suggestive
- Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and
- 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:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or Humiliating treatment likely to affect health or safety.

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An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy

4 Prevention Action

The Company will take reasonable steps to ensure prevention of sexual harassment at work which may include circulating relevant information to all employees, including to all new joiners. All new joiners and existing existing of the organization are required to undertake the training on the Policy on Prevention of Sexual Harassment at regular intervals as per local laws

5 Redressal Committee

The Company shall have an Internal Complaints Committee at all locations, to specifically address any complaints of sexual harassment.

The Committee will be constituted by the Company and would be headed by a Presiding Officer, who shall be a woman employee employed at a senior level at workplace from amongst the employees.

In case the senior level officer is not available, Presiding Officer shall nominate the senior level officer from other locations.

6 Internal Complaints Committee

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committees (ICC), henceforth known as 'ICC', have been appointed for all administrative units / offices of the company. The detail of the committee is notified to all covered persons at the location (workplace). The committee at each location 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 or who have had experience of social work or have legal knowledge
- One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

Please note that at least one half of the total members nominated being women

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The committee will be responsible for:

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

7 Formal complaint redressal procedure and manner of inquiry

Any employee who believes that (s)/he has been subjected to sexual harassment, such Aggrieved employee may file a written complaint with any member of the Committee within three (3) months from the date of incident or in case of series of incidents, within a period of three (3) months from the date of last incident.

Complaints brought after that time period will not be pursued absent extraordinary circumstances. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made by the Committee in conjunction with the Legal team of the Company.

If the complaint does not rise to the level of sexual harassment, the Committee may determine to dismiss the complaint without further investigation after consultation with Legal Team

While conducting the inquiry, a minimum of 3 (three) members of the ICC including the Chairperson and External member shall be present.

ICC members shall discuss the complaint and the report shall be submitted to the Chairperson for to scrutinize the findings in support of complainant's contentions.

The ICC shall give an opportunity of being heard and of making representations before the ICC to the respondent.

Copy of findings shall be made available to both the employees (complainant and respondent), enabling them to make representations against the findings to the Executive Committee.

The ICC shall make inquiry into the complaint in accordance with principles of natural justice. Committee to document all investigations and findings in writing.

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8 Disciplinary actions

Where the ICC arrives at a conclusion that the allegations against the respondent have not been proved it shall recommend to management that no action is required to be taken against the respondent.

The nature and severity of the action against the accused will be in direct proportion to the seriousness of the offence.

The ICC, in case if it finds the allegations against the respondent to be true, shall recommend to the Management to take actions against the respondent for the misconduct as it deems fit.

To deduct from the salary / wages of the respondent such compensation as determined by it to be paid to the female member / complainant or her legal heir or direct the respondent to pay the amount.

The compensation shall be determined by the ICC keeping in mind the following:

- Mental trauma, pain, suffering and emotional distress caused to the female member
- Loss to career opportunity due to the incident of sexual harassment
- Medical expenses incurred by the female member for physical or psychiatric treatment
- Income and financial status of the respondent

Feasibility of such payment in lump sum or in instalments

Such disciplinary action shall include, but not be limited to the following:

- A letter of warning that will be placed in the personal file
- Written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increments, undergoing counseling session, carrying out community services
- Immediate transfer/suspension or termination with or without pay

Management shall act upon the recommendations made by the ICC within 60 (sixty) days of receipt

For complaints, which the ICC considers to fall outside its jurisdiction, for e.g. offences of a criminal nature, the applicable laws of India shall apply.

The Management shall take a final decision on the recommendation made by the ICC and shall implement it within 15 (fifteen) working days

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9 Confidentiality

Individuals involved in the complaints process/system should refrain from divulging the details of complaint/any information gathered by them in the course of the inquiry and the identities of the persons involved in the case should not be disclosed.

Any breach of confidentiality will be taken seriously and the implications of which shall be disciplinary actions

Involved parties breaching the confidentiality provisions shall, in addition to the above be liable to penalty..

10 Training and Workshops

The training program and workshops conducted shall include, but not be limited to the following layout:

Understanding the paradigms of the Act and scope of definition of sexual harassment

- Gender sensitization
- Examples and case studies
- Orientation programs and seminars

11 Duties of the Employer

- To provide safe working environment to the all persons at the workplace;
- Display at any place in the workplace, penal consequences of sexual harassment;
- Organise workshops and training programs at regular levels;
- Provide necessary facilities to ICC for dealing with complaints and conducting inquiries;
- Monitor timely submission of reports by the ICC
- And any other assistance required by the ICC for conducting inquiries into complaints made against sexual harassment.

12 Preparation of Report

The ICC shall prepare an annual report and submit the same to the district officer (a summary of which shall be submitted to the State Government) which should inculcate the following details:

1. Number of cases of sexual harassment received in a year;
2. Number of complaints disposed off in a year;

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3. Number of cases pending for more than 90 (ninety) days;
4. Number of workshops of awareness programs carried out against sexual harassment; and v. Nature of action being taken by the Executive Committee or the employer

13 Review of the Policy

Polyhose reserves the right to modify and, or review the provisions of this Policy, so as to comply with applicable legal requirements, changes made in the Act by the Government, Internal Policies, or otherwise with a view to revise the provisions of this Policy to the extent deemed necessary by Polyhose from time to time. Any such changes or modifications may be shared by Polyhose to its employees

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