

HY-TECH ENGINEERS LIMITED

PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE (POSH) POLICY

Title

This Policy is called 'Prevention of Sexual Harassment at Workplace Policy' (POSH Policy).

EFFECTIVE DATE

The POSH Policy of the Company has been approved by the Board on 31st October, 2019.

Prevention of Sexual Harassment at Workplace (POSH)

Introduction

HyTech (hereinafter referred to as “The Company”) is committed to provide a safe and dignified working environment to its employees. The Company considers it as its moral responsibility to offer a respectful & dignified working environment that enables employees to work without fear of prejudice, harassment or any form of intimidation or exploitation.

Discrimination of individuals based on race, skin colour, gender, age, health, disability, nationality, religion and sexual orientation is prohibited in the Company. Further, in strict adherence to “The Sexual Harassment of Women at Workplace” (Prevention, Prohibition and Redressal) Act, 2013 and the Supreme Court guidelines, the Company forbids any unlawful conduct construed as Sexual harassment at workplace. Sexual Harassment is a grave misconduct under the applicable laws, and it is necessary for employees to deal with their colleagues and third parties with fairness, respect and dignity.

The Company adopts a policy of non-tolerance against any such conduct that violates the guidelines set by the law.

1. Name, Purpose of the Policy and Applicability

This policy shall be called as “The Policy on Prevention of Sexual Harassment at Workplace (POSH)”. The Company has adopted this policy in line with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made thereunder. The policy provides the mechanism created by the Company in addressing any form of sexual harassment complaints and is without prejudice to any provision/s of any other law applicable for the time being in force or enacted hereinafter. This policy is applicable to all the employees working with the Company in its head office and any other units or premises of the Company.

2. Definitions

In this policy unless the context otherwise requires-

- a. Act means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.
- b. Aggrieved person means in relation to a workplace a person including a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- c. Employee means a person employed at a workplace for any work on regular, temporary, adhoc or daily basis either directly by the Company or through a contractor and includes for the purposes of this policy director of the Company, any co-employee, a contract worker, probationer, trainee, apprentice (or called by any other name under any statutory or internal scheme of the Company), whether employed on remuneration or on voluntary basis such as interns working on specific projects.

- d. Employer means the location head/unit head as the case may be of the establishment and where the complaint is against unit head, the Board of Directors of the Company.
- e. Human Resources Department means the Human Resources Department of the Company entrusted with the responsibility of the implementation of this policy.
- f. Internal Complaints Committee (Hereinafter referred to as "IC" or "Complaints Committee" as appropriately) means a Central or Regional Internal Complaints Committee constituted under clause 4 of this policy.
- g. Member means the member of the Internal Committee.
- h. Respondent means a person against whom the aggrieved person has made the sexual harassment complaint as per clause 8 of this policy.
- i. Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - i. Physical contact and advances; or
 - ii. A demand or request for sexual favours; or
 - iii. Making sexually coloured remarks; or
 - iv. Showing pornography; or
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation 1- Provided herewith are some illustrative examples of different forms of sexual harassment. The list is indicative and may include any other form/s of sexual harassment.

Non- Verbal	<ul style="list-style-type: none"> • Sexual gestures. • Staring/leering. • Invading personal space. • Sexually oriented Pin-ups, offensive publications, cartoons or pamphlets. • Offensive letters/ memos. • Unsolicited/unwanted gifts which are sexually suggestive. • Showing pornography.
Verbal	<ul style="list-style-type: none"> • Language of a sexually suggestive or explicit nature. • Unwanted propositions. • Jokes of a sexual or explicit nature. • Use of "affectionate" names such as dear, honey, sweetie etc. • Eve- teasing, Unsavory Remarks. • Gender based insults or sexist remarks.
Physical	<ul style="list-style-type: none"> • Deliberate body contact, touching or brushing against any part of body and the like. • Indecent exposure. • Groping/fondling. • Any conduct of sexual nature that abuses, humiliates, degrades or violates the dignity.

Explanation 2- Following circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment will also amount to sexual harassment-

- i. Implied or explicit promise of preferential treatment in employment of the aggrieved person.
 - ii. Implied or explicit threat of detrimental treatment in the employment of the aggrieved person.
 - iii. Implied or explicit threat about the present or future status of the employment of the aggrieved person.
 - iv. Creating an intimidating, offensive or hostile working environment for the aggrieved person.
 - v. Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the aggrieved person.
- j. Workplace means all offices and branches of the Company owned or leased by the Company, all other places visited by the employee arising out of or during the course of employment such as conferences, customer meetings, off-sites, Company organized functions etc. including transportation provided by the Company for undertaking such journey.

3. Internal Complaints Committee (“IC”)

The Company has constituted Regional Internal Complaints Committees (hereinafter referred as the “Internal Committee” or “IC”) under the policy. The details of the same are announced from time to time.

Explanation 1- The inclusion of External person is mandated as per the provisions of the Act having knowledge of the issues relating with the sexual harassment or cause of women or is associated with any Non-Government Organization committed for the cause of women.

4. Responsibilities of Internal Committee

In the matters of sexual harassment issues and while conducting the enquiry in the complaints of sexual harassment, the Internal Committee shall-

- a) Provide fair and impartial mechanism of complaint redressal through the inquiry founded on the principles of natural justice.
- b) Ensure that complainant or witnesses are not victimized or discriminated against while dealing with the complaints of sexual harassment.
- c) Provide appropriate advice to the employer with respect to initiation of action under Indian Penal Code or any other law for the time being in force, against the perpetrator in case the complainant intends to do so.

6. Sexual Harassment Complaint

Any aggrieved person may make a complaint of sexual harassment in writing to the Internal Committee Central or Regional, within a period of three months of the incident and in case of series of incidents, within a period of three months from the date of the last incident. The complainant shall submit to the Internal Committee copy of the complaint along with any supporting documents and the names and address of the witnesses if any. In exceptional circumstances, the committee may allow the extension of the time limit to file the complaint by another three months by recording the reasons in writing for granting such extension.

Following persons can file the complaint on behalf of the aggrieved person in case the aggrieved person is unable to file the complaint due to any physical or medical reasons.

- a) Aggrieved person's relative.
- b) Friend.
- c) Colleague.
- d) Any other person who has the knowledge of the incident of sexual harassment.

Depending upon the circumstances, the committee may ask for the written consent of the aggrieved person from the person who is making complaint on aggrieved person's behalf.

7. Conciliation

Basis the written request made by the aggrieved person for the settlement of the complaint, the Internal Committee may initiate steps to settle the matter between aggrieved person and the respondent through conciliation before initiating an inquiry as enumerated in clause 8 of this policy. The aggrieved person can however, approach to Internal Committee for the initiation of the inquiry if the respondent fails to abide by any of the terms of the settlement arrived at in conciliation proceedings between both the parties.

The IC while settling the case under conciliation process will ensure following-

- a. No monetary settlement will be awarded under conciliation process.
- b. Both parties shall submit terms of settlement to the Internal Committee.
- c. The IC shall record the settlement and the copies of the settlement arrived at through conciliation process will be provided to both the parties.
- d. No further inquiry will be conducted thereafter.
- e. IC will provide one copy of the settlement to the employer.

8. Procedure of Inquiry

Following procedure will be adopted by Internal Committee in addressing the complaints of sexual harassment. In case of any contravention with respect to the provisions incorporated in the Act, the process suggested in the Act shall prevail. The IC shall exercise its discretion to conduct the inquiry depending upon any amendment in the Act or any other judicial pronouncements.

- a. The IC shall send one copy of the complaint and documents if any to the respondent within a period of seven days of such receipt.
- b. The respondent shall file his or her reply within a period of ten days to the complaint along with the list of documents, names and addresses of witnesses if any.
- c. The IC shall thereafter intimate to both the parties the time, venue and date of the inquiry and will conduct the inquiry as per the principles of the natural justice. In conducting the inquiry, a minimum of three members of the IC including presiding officer shall be present.
- d. The IC shall provide reasonable opportunity to the complainant and the respondent for presenting and defending her/his case including summoning any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- e. The parties 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.
- f. The complainant and the respondent shall be offered an opportunity to cross examine the witnesses produced by the opposite party. However, the IC may curtail the scope and extent of the right of cross examination in appropriate cases in accordance with demands of justice. The IC may, depending upon the circumstances allow cross examination of the aggrieved person and or witnesses by submission of questionnaire by respondent.
- g. The IC shall have the right to disallow any questions or behaviour that it has reason to believe to be irrelevant, mischievous, or gender-insensitive that may intimidate the complainant.
- h. The complainant and the respondent shall be chiefly responsible for presenting their own witnesses before the IC or may seek assistance of the IC in enforcing the attendance of any witness.
- i. The parties shall sign the proceedings of each day in the form of minutes/summary of proceedings prepared by the IC during the proceedings. The chief examination of the parties and their witnesses shall be recorded in summary form by IC or in affidavit and the cross examination shall be recorded in question and answer form. These proceedings shall be signed by all the concerned party or witness/es.

- j. If the complainant or respondent fails, without sufficient cause to present herself or himself for three consecutive hearings, the IC shall have the right to terminate the inquiry proceedings and decide the complaint ex-parte appropriately. Provided that such termination or an ex-parte order will not be passed without giving a notice in writing to the party concerned, fifteen days in advance.
- k. Documents produced by either party in the inquiry as evidence shall be supplied to other party in the form of true copies of such documents.
- l. The IC shall complete the enquiry in ninety days and shall submit a detailed report of its findings along with its recommendation to the employer within 10 days of concluding the inquiry. The IC will also provide the copy of its report to the complainant and respondent to enable them to make any representation before complaints committee against the findings.
- m. If the IC finds the respondent guilty of sexual harassment, it shall recommend to the employer the nature of disciplinary action to be taken on the complaint as referred in clause 10 of the policy. If the complaints committee finds no merit in the complaint, it shall accordingly submit its report to the employer giving reasons for its conclusions.

9. Interim Relief

During the pendency of the inquiry and on a written request made by the aggrieved person, the Internal Committee may recommend to the employer to –

- a. Transfer the aggrieved person or respondent.
- b. Grant leave to the aggrieved person over and above the aggrieved person's internal leave entitlement. Any additional leave granted under this provision will be up to a period of three months.
- c. Issue a restraint order to warn the respondent about any attempt to directly or indirectly contact, influence, intimidate or exert pressure on the complainant or witnesses during the course of the inquiry proceedings.
- d. Restrain the respondent from reporting on the work performance or writing confidential report of the aggrieved person and assign the same to another manager as appropriate.
- e. Any other relief as deemed appropriate by the IC.

10. Disciplinary action against proved cases of Sexual Harassment

Internal Committee shall recommend to the employer to initiate action against the respondent in the proved cases of sexual harassment in the following manner. Additionally, the Internal Committee can also recommend to the employer compensation as per clause 11 of the policy to be paid to the aggrieved person if she is

a woman. The employer shall act upon the recommendation of Internal Committee issued under clause 10 or 11 within sixty days of its receipt by him.

- a. Written apology.
- b. Warning.
- c. Withholding of promotion.
- d. Withholding of pay rise or increments.
- e. Termination from service.
- f. Counselling.

11. Determination of Compensation

Notwithstanding anything in the service conditions applicable to the respondent, the IC can also recommend to the employer to-

- a. Deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to aggrieved woman's legal heirs, as it may determine appropriately.
- b. Wherever the employer is unable to make such deduction from the salary of the respondent due to respondent being absent from duty or cessation of employment, the complaints committee may direct to the respondent to pay such sum to the aggrieved woman.
- c. In case the respondent fails to pay the sum referred to in clause (b) as mentioned above, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer of the District.

Explanation- For the purpose of determining the sums to be paid to the aggrieved woman under provisions of this clause the internal committee shall have the regard to-

- a. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
- b. The loss in the career opportunity due to the incident of sexual harassment.
- c. Medical expenses incurred by the victim for physical or psychiatric treatment.
- d. The income and financial status of the respondent.
- e. Feasibility of such payment in lump sum or in instalments.

12. False or malicious complaint, false evidence and action thereof

Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to initiate action against the person in accordance with the clause 10 of this policy. Provided that a mere inability to substantiate a

complaint or provide adequate proof will not attract action against the complainant under this provision and the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed under clause 8 of the policy before any action is recommended.

Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to initiate action in accordance with the clause 10 of this policy.

13. Confidentiality

All the parties concerned who have the knowledge of the incident in whatever capacity such as Internal Committee members, witnesses, complainant, respondent etc. shall maintain the confidentiality with regards to the contents of the complaint, identity & address of the aggrieved person, respondent, witnesses, information relating to conciliation and inquiry proceedings, recommendations of the committee and action taken by the employer. The same shall not be published, communicated or made known to the public, press and media in any manner.

Any person whoever contravenes the provision of this clause will be punished with fine as determined appropriate by the employer and as per the provisions of the Act.

14. Sexual harassment amounting to Criminal Offence

Internal Committee will take steps to inform to the complainant wherever complainant is a woman about her right to initiate action in accordance with law with the appropriate government authority such as police department and to give advice and guidance regarding the same where the conduct of sexual harassment amounts to a specific offence under the Indian Penal Code or under any other law.

15. Appeal

If an aggrieved person wants to appeal against the decision of the committee, such person can appeal to competent authority notified by the Government as per the provisions of the Act.

16. Version Control

The Human Resources Head of the Company shall be the custodian of this policy. Any revisions to the existing policy will require approval of the HR Head.
