

Policy for Prevention and Redressal of Sexual Harassment at Workplace

1. Preamble

Shree Worstex Limited (hereinafter referred to as SWL) is committed to providing work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment. We at SWL are also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

At SWL, the Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees (men or women) are not subjected to any form of harassment. This policy shall apply to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees come on visit at business premises. We at SWL are committed to giving every employee a just and fair hearing on issues that are raised on complaints of Sexual Harassment and will take disciplinary action against any victimization of the Complainant or the Respondent that may result from a Complaint.

2. Applicability

The policy pertaining to Prevention and Redressal of Sexual Harassment (herein after referred to as “SWL POSH Policy”) is applicable to all "employees “of Shree Worstex Limited. Employee includes regular, temporary, ad hoc, daily wage employees and person who are working on voluntary basis i.e. without remuneration. The term also includes contract workers, probationers and trainees.

The 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 referred to as “the POSH Act”) and “*Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013*” (hereinafter referred to as “the POSH Rules”)] framed there under from time to time.

3. Definitions

- a) “**aggrieved woman (AW)**” to any woman “employee” who has lodged complaint of sexual harassment at workplace and need not be an employee of SWL
- b) “**Respondent Person (RP)**” refers to any ‘employee’ against whom the complaint has been lodged by AW.
- c) “**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;
- d) “**Workplace**” includes all offices and branches in India. It also includes any place visited or arising out of or during the course of employment/work including transportation provided by SWL for undertaking the journey.

Sexual harassment

The definition of sexual harassment will be as defined in Section 2(n) of POSH Act and shall include any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :-

- physical contact and advances; or
- a demand or request for sexual favors; or
- making sexually colored remarks; or
- showing pornography; and
- any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Internal Complaints Committee (Henceforth known as 'Committee')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" to be constituted as per the POSH Act wherein :-

- Presiding Officer who shall be a woman employed at senior level at workplace from amongst the employees;
- Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- One 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.
- At least one-half of the total Members so nominated shall be women.

Present nominated members of the committees are given in **Annexure-A**.

The committee shall be 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.

Lodging a Complaint

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.

The complaint must be lodged 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.

Provided that 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. Wherever possible, Company shall ensure that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

Receiving a Complaint

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are to be kept in mind by the receiver of the complaint:

- Complaint is listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily;
- Situation is not be pre-judged. Written notes to be taken while listening to the person. Complainant is allowed to bring another person to the meeting if she wishes. When taking accurate notes, complainants' own words, where possible, to be used. Clear description of the incident in simple and direct terms to be prepared and details to be confirmed with the complainant;
- All notes to be maintained strictly confidential. Complainant's agreement to be taken to allow proceeding with the matter, which involves a formal investigation;
- The complainant to be advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

Care is to be taken to prevent any disadvantage to or victimization of either the complainant or the respondent

Resolution procedure through conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted

Formal inquiry

The committee shall initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman;
- Conciliation has not resulted in any settlement;

- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent;
- The committee shall proceed to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/ closure of conciliation/ repeat complaint.

Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee shall send 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present

Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace;
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled;
- Prevent the respondent from assessing complainant's work performance;
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

Termination of Inquiry

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without any sufficient reason. 15 day written notice to be given to the party, before termination or ex-parte order.

Inquiry procedure

All proceedings of the inquiry to be documented. The Committee shall interview the respondent separately and impartially. Committee shall state exactly what the allegation is and who has made the allegation. The respondent to be given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are to be prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also to be interviewed & statements taken on record.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry to be completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry was commenced. The inquiry procedure shall ensure absolute fairness to all parties.

Considerations while preparing inquiry report

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature;
- Whether the allegations or events follow logically and reasonably from the evidence;
- Credibility of complainant, respondent, witnesses and evidence;
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent;
- Both parties have been given an opportunity of being heard ;
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

Action to be taken after inquiry

Post the inquiry the committee shall submit its report containing the findings and recommendations to the Head-HR/ CHRO/ CEO as the case may be, within 10 days of completion of the inquiry. The findings and recommendations are to be reached from the facts established and is recorded accurately.

Complaint substantiated

Where the committee 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 misconduct, in accordance with the applicable service rules and policies, and this may include:

- Counseling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination
- Or any other action that the Management may deem fit.

The decision of Internal Complaint Committee along with observations / recommendations shall be final and binding. The management will need to implement the recommendations within 60 days of receiving the report from the committee.

While implementing the order, the management will ensure that the name of the AW, RP and any other employee/s are always kept confidential. Suitable action to be recommended by the Committee for any violation of confidentiality as mentioned above.

The management shall send a closure report to the committee after the recommendations have been implemented.

If the situation so requires, or upon request of the complainant, respondent or witness, Management may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

Complaint unsubstantiated

Where the committee 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.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

Malicious Allegations

Where the committee 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.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and Rules, within 90 days of the recommendations being communicated.

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The POSH Committee of SWL effective 01.11.2022

Sl. No.	Name	Role	Contact
1	Priyanka	Presiding Officer	Shree Worstex Limited Chawla House 3 rd floor 19 Nehru Place New Delhi – 110 019 Email: posh@lendingplate.com
2.	Chesta Kaushik	External Member	
3.	Ketna Kumari	Member	
4.	Sushma	Member	
5.	Kamal Joshi	Member	
6.	Manoj Saiwan	Member	
7.	Ranvijay	Member	
8.	Devendra Singh	Member	