



THE HI-TECH GEARS LTD.

Policy on
Prevention of Sexual Harassment (PoSH)
of women at workplace

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”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

We have a zero-tolerance for any act of sexual harassment of any kind and any act of suppressing or distortion of such facts or evidence and retaliation.

We believe in establishing an environment of respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.

The ‘Policy on Prevention of Sexual Harassment of women at workplace 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.

Definitions

1. **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):

- a) 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:
 - i. Physical contact and advances;
 - ii. Demand or request for sexual favors;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vi. Giving gifts or leaving objects that are sexually suggestive;
 - vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - viii. Persistent watching, following, contacting of a person; and
 - ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b) 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 her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

2. 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 by the respondent and includes contractual, temporary, visitors.

3. Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman

4. Employee: A person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

5. 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 Company, including transportation provided for undertaking such a journey.

6. Employer: A person responsible for management, supervision, and control of the workplace.

Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy.

In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

Internal Complaints Committee ('ICC')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted at each location. The details of the committee is notified to all covered persons at the location (workplace).

The ICC 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 and or having legal knowledge
- ✓ One external member, familiar with the issues relating to sexual harassment
- ✓ At least one half of the total members is women.

The ICC 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.

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 ICC members at the workplace.

The complaint must be lodged **within 3 months** from the date of incident/ last incident. The ICC 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 an ICC member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the ICC immediately.

Resolution procedure through conciliation

Once the complaint is received, before initiating the inquiry the ICC may take steps to reconcile 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 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 ICC provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

Resolution procedure through formal inquiry

Conducting Inquiry

The ICC initiates 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 ICC proceeds 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.

What Action Can the ICC Take

The ICC may, if it deems appropriate recommend the following actions (not exhaustive):

- ✓ Written apology;
- ✓ Warning, reprimand, censure;
- ✓ Termination from service;
- ✓ Compensation deduction from the salary or wages of the perpetrator;
- ✓ Withholding of promotion, withholding of pay rise or increments;
- ✓ Undergoing counseling session or carrying out community service; and/or
- ✓ Initiate appropriate statutory or legal action.

Making False or Malicious Complaints:

Where the ICC arrives at a conclusion that the complaint was made with a malicious intent, the ICC shall take strict disciplinary action against the complainant, which action may be similar to the action taken for committing an act of Sexual Harassment.

The ICC shall also take strict disciplinary action on any witness who submits false evidence or produces any forged or misleading document relating to the complaint.

Special Circumstance and Exception

Any Deviation to this policy has to be approved by Human Resource Department head. Any changes to the policy has to be approved by Legal and Compliance Head of the Company.

Non-compliance and Consequence

Any person (including the witness) known to the incident or who has any knowledge about the contents of the complaint shall ensure strict confidentiality. No such information shall be published or communicated in any manner whatsoever, including (but not limited to), publication in Company's Intranet portal or any internal messaging service, through email or any other social media. Company shall take strict disciplinary action against any person who is found to have breached their duty of confidentiality including imposition of a penalty as prescribed under the Act.

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.