

POSH POLICY

1. PREAMBLE:

Our Company is aware of the fact that the Workplace sexual harassment is a form of gender discrimination and our policy encapsulates the substance that the offence per se violates a person's fundamental right to equality and right to life, guaranteed under Articles 14, 15 and 21 of the Constitution of India. It also postulates protection and prevention as mandated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (**hereinafter referred as POSH Act, 2013**). The POSH policy is not only compliant with the POSH Act and Rules 2013, but a step forward in recognizing and addressing vulnerabilities of all genders. It also covers varied situations through a wide definition of what constitutes "gender", "sexual harassment" "workplace", "employee", who can be an "aggrieved person" and such other terms that are integral to the implementation of the policy and its objectives.

2. OBJECTIVE:

In any sort of working environment, ensuring a safe and respectful environment for all employees is absolutely critical. This policy is to ensure a respectful work environment by preventing and redressing sexual harassment incidents. This policy applies to all employees (full-time, part-time, trainees, interns), consultants, contractors, and visitors across all Company locations. Any complaint or report of Sexual Harassment will be strictly dealt in accordance with the procedure laid down under the Act and the Rules, and appropriate action will be taken against the offending person(s). Such action will depend on the nature and seriousness of the offence and will include strict disciplinary action including termination of service.

Scope:

The policy extends to all the employees, interns, visitors, and vendor partners of all genders at the Company to the extent that sexual harassment is strictly prohibited. The policy extends the right to complain, in relation to the workplace, whether employed or not.



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This includes:

- Employees of all genders
- Contractual staff
- Visitors

3. DEFINITIONS:

The following definitions shall be used, understood and applied for the purposes of this policy:

- a) **Aggrieved Person:** An “aggrieved person” in relation to a workplace is a person (woman/man/third gender/non-binary) or group of persons of any age, who –
- being an employee of the organization, alleges to have been subjected to any act of sexual harassment by another person associated with the organization through an employment/service contract or partnership agreement.
 - being an employee of the organization, alleges to have been subjected to any act of sexual harassment during the course of tasks carried out in furtherance of the employment/service contract, by another person not associated with the organization.
 - Complainant - Complainant can be any woman employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent. Complainant can also be a male employee (including contractual staff as the case may be) or any other employee of the Company. Complainant also includes any person who is entitled or authorized to make representations/complaints on behalf of the aggrieved employee.
- b) **Gender:** Gender includes men, women and third gender and refers to the social attributes and opportunities associated with being male, female, third gender and non-binary as well as the relationships between and among them.
- c) **Employee:** An employee shall have the same meaning and import as assigned to it under Section 2(f) of the POSH Act, 2013 and is thus defined as –“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



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- d) employment are express or implied, and includes a co-worker, a contract worker, probationer, trainee, apprentice, intern, volunteer or called by any other such name”
- e) **Employer:** Employer shall refer to the principal employer which means any person or Board or Committee of a workplace who -
- is responsible for the management, supervision and control of the Foundation’s work and the workplace, including formulation and administration of policies in this regard, and
 - is discharging contractual obligations with respect to his or her employees.
- f) **Internal Complaints Committee:** means an Internal Complaints Committee constituted under section 4 of POSH Act, 2013.
- g) **Respondent:** Respondent means an employee of the Company, person against whom the aggrieved person or a person acting on behalf of the aggrieved person has made a complaint under this policy.
- h) **Sexual Harassment:** Sexual harassment includes such unwelcome sexually determined behaviour (whether direct or by implication) such as:
- Physical contact and sexual advances ;
 - Demand or request for sexual favours;5.
 - Sexually - coloured remarks ;
 - Showing pornography ; and
 - Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.
- i) **“Unwelcome sexually determined behaviour” includes but is not limited to:**
- Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
 - Making any unwelcome remark with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks etc.,
 - Showing any sexually explicit visual material in the form of pictures / cartoons / pinups / calendars / screen-savers on computers / any offensive written or electronic material / including pornographic,



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- iv. Engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal, staring to make the other person uncomfortable, making offensive gestures, etc.,
- v. Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature,
- vi. Making an unwelcome demand or request whether directly or by implication for sexual favours and/or making it a condition of employment /payment of wages / increments /promotion / preferential treatment / threat to detrimental treatment in employment / threat to current or future employment status or similar act.
- vii. Where a Supervisor requests sexual favours from a junior (or any other person) in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non-co-operation.
- viii. Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.
- ix. Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess in an attempt to humiliate or make another person uncomfortable.
- x. Behaviour which creates an environment that is intimidating, hostile, offensive, humiliating for an employee or Outrage of their modesty.

j) Workplace: Any place where working relationship and/or employer-employee relationship between the Company and the person exists. In this context, it means Stalwart People India Services Limited (the "Company") its premises (including transit houses & guest houses) and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

k) False Accusations: In case the IC concludes after investigation that the complaint was false and malicious, appropriate disciplinary action under the Policy shall be taken which may include termination among other penalties. This does not, however, include complaints which are difficult to prove or have been made in good faith but do not constitute sexual harassment per se.



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- 1) **District Officer:** Any District Magistrate or Additional District Magistrate or the Collector or Deputy Collector can be notified to be a District Officer by any appropriate Government. They are to exercise powers or discharge functions under the POSH Act.

4. PREVENTION OF SEXUAL HARRASMENT:

The Company shall at all time take active measures to:

- i. Display the penal consequences of the acts of sexual harassment at all conspicuous places.
- ii. Conduct regular workshops and employee awareness programs for gender sensitization.
- iii. Create forum for open dialogues for creating sensitization towards gender issues and also address various concerns and issues highlighted thereof.
- iv. Orientation programs to be conducted for the Internal Committee.
- v. Conduct capacity building and skill building programs for the Members of the Internal Committee. Monitor timely submission of the reports including Annual Report by the Internal Committee.
- vi. To ensure timely submission of the Annual Report by the Internal Committee to the District Officer. The Report shall contain details as to number of complaints of sexual harassment received in the year; number of complaints disposed off during the year; number of cases pending for more than ninety days; number of workshops or awareness program against sexual harassment carried out; and nature of action taken by the employer. The District officers will in-turn forward the report to the concerned State Govt.
- vii. Timely and efficient enactment of the recommendations received from the Internal Committee.
- viii. To assist the aggrieved woman in filing an official complaint with the concerned authorities under the Indian Penal Code.

5. INTERNAL COMPLAINTS COMMITTEE (ICC):

5.1 Constitution

a) Chairperson:

A woman employed at a senior level at 'workplace' from amongst employees, in case a senior level women employee is not available, the Chairperson shall be nominated from the other offices or administrative units of the 'workplace'. In case the other offices or administrative units



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of the 'workplace' do not have a senior level woman employee, the Chairperson shall be nominated from any other 'workplace' of the same employer or other dept. or organization.

b) Members :

Not less than two members with one male member from employees preferably committed to the cause of women and who has an experience in social work or have a legal knowledge.

And at least one independent 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.

- i. The tenure of the Chairperson and members of the ICC shall be three years.
- ii. All complaints relating to sexual harassment shall be tried and adjudicated by the ICC

5.2 Reporting of sexual harassment:

Complaints must be submitted in writing to the ICC within three months from the date of the incident (extendable by another three months for valid reasons). Assistance will be provided by the ICC to file the complaint if needed. Complaints can also be filed by a relative, friend, co-worker, or others if the complainant is unable to do so.

5.3 Procedure for Raising a Complaint:

Complaint by aggrieved woman: -

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the ICC, shall render all reasonable assistance to the woman for making the complaint in writing.

The ICC may extend the time limit not exceeding 3 months, if it is satisfied that the circumstances prevented the employee from filing a complaint within the said period. The reasons for the same need to be recorded in writing.

1. Complaints by Contractual Staff: In case a complaint is made by a contractual employee against another contractual employee, who has been hired through the same vendor. The ICC

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2. will hand over the complaint to the employer of the vendor concerned and provide all the reasonable support in terms of providing evidence and witnesses as the case maybe. For any complaints against Company employees, ICC will proceed as per the terms of this policy.
3. Complaints by male employees: Complaints by male employees will be handled by the HR Head, in the same manner as any other complaint under the policy.

Upon receipt of a complaint, the ICC needs to respond to or hold a meeting with the Complainant within 5 days. Within 7 days of receiving the written complaint, the ICC needs to inform the alleged respondent in writing that a complaint has been filed against them about the nature of allegations levelled against them by the Complainant.

5.4 Resolution procedure:

Prior to commencement of any sort of inquiry, the IC may offer conciliation to the complainant if requested. No monetary settlement is permitted. If a settlement is reached, it will be recorded and no further inquiry will be conducted. The IC will initiate an inquiry if conciliation is not requested or fails.

The complainant and respondent will be given opportunities to present their cases. Witnesses may be called, and all relevant documents reviewed. The inquiry will be completed within 90 days. The IC will prepare an 'Inquiry Report' which will be submitted within ten (10) days of closure of the inquiry to the Employer and the District Officer. Such report shall also be made available to the concerned parties.

During the inquiry, the ICC can recommend to the Employer to provide certain interim relief/s to the aggrieved person as per the relevant provisions, such as:

- a. Transfer of the aggrieved person to any other workplace,
- b. Granting leave to the aggrieved person,
- c. Grant such other relief to the aggrieved person as may be prescribed.

If the ICC arrives at the conclusion that the allegation against the Respondent has not been proved, it will recommend to the Employer and District Officer that no action needs to be taken. Where the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it may give any of the following recommendations as per the relevant provisions, to the Employer and

District Officer after taking into consideration the severity, frequency, and pervasiveness of the act:

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- a. Tendering written apology
- b. Issuance of warning letter
- c. Reprimand or censure
- d. Undergoing counselling session
- e. Carrying out community service
- f. Transfer to other locations
- g. Withholding of promotion / salary hikes/ increments etc.
- h. Compensation to the Aggrieved Woman by making appropriate deductions from the salary or wages of the Respondent.
- i. Termination of services from the Company.

Employer or the District Officer shall act upon the recommendation within sixty (60) days of receipt of the recommendations from the ICC.

Where the ICC concludes that the allegation against the respondent is either malicious, false or the aggrieved party has produced a forged/misleading document, it may recommend to the Employer or District Officer to take action against the person who has made the complaint in accordance with the relevant provisions.

5.5 APPEAL:

Any person aggrieved by a recommendation made, its implementation or lack thereof, may prefer an appeal to such Statutory Body or Court or Tribunal designated by the Government in this regard. This appeal must be made within a period of ninety (90) days of the recommendations.

6. CONFIDENTIALITY:

At all stages of the procedures, informal and formal, and from the first discussions when the potential allegations of Sexual Harassment are discussed, all parties to the discussion are required to be aware of the sensitivity of the matters under discussions, the potential impact on individual lives and careers, and to exercise extreme caution in the disclosure of the information and to maintain the confidentiality of the Complaint, Complainant, Respondent, witnesses, conciliation, inquiry proceedings, recommendations made by Committee and the action taken by Employer. Notwithstanding the Right to Information Act, 2005, the contents of the Complaint submitted, the identity and addresses of the

Complainant, Respondent and witnesses, any information relating to conciliation and inquiry

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proceedings, recommendations by the Committee and action taken by the Employer shall not be published, communicated or made known to the public, press and media in any manner. If any person contravenes the above, the Employer shall be entitled to take appropriate disciplinary action against such person including recovery of such amounts from such person as permitted under law and determined by the Committee.

7. AMENDMENT:

On any occasion or any doubt, differences or dispute in respect of proper interpretation of any terms, condition or clause hereof, the resolution of dispute or the interpretation of such clause given by the Management shall always be final and binding between the parties. The Company reserves the right to review and revise this policy at any point of time. This policy shall supersede any other previous policies/communications on the subject and such amendments shall be subject to the approval of the Board of Directors.
