

SUPERTEX INDUSTRIES LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) OF WOMEN AT WORKPLACE

Introduction

The **Policy on Prevention of Sexual Harassment (POSH) of Women at Workplace** 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”).

The objective of this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

Scope

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at its workplace or at client sites.

Definitions

1. Sexual Harassment

- a) Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - (i) physical contact and advances or
 - (ii) demand or request for sexual favours, or
 - (iii) Making sexual coloured remarks or
 - (iv) Showing pornography or
 - (v) Any other unwelcome physical, verbal or non verbal conduct of sexual nature.

- b) The following circumstances, among other circumstances, if it occurs or is present in relation to any sexually determined act or behavior may amount to sexual harassment:
 - (i) Implied or explicit promise of preferential treatment in employment;
 - (ii) Implied or explicit threat of detrimental treatment in employment;
 - (iii) Implied or explicit threat about the present or future employment status;
 - (iv) Interference with the person’s work or creating an intimidating or offensive or hostile work environment; or
 - (v) Humiliating treatment likely to affect her health or safety.

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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

5. **Employer:** A person responsible for management, supervision and control of the workplace.
6. **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 the Company, including transportation provided for undertaking such a journey.

Responsibilities regarding sexual harassment

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

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**" is constituted by the Company. The detail of the committee is notified to all covered persons at all the locations (workplace).

The committee 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 are women.

The committee 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

Procedures for Resolution, Settlement or Prosecution of Acts of Sexual Harassment:

A. Manner of Complaint of Sexual Harassment:

- (i) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Complaints Committee ('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 Committee shall render all reasonable assistance to the woman for making the complaint in writing.
Provided further that the Committee for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- (ii) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

B. Conciliation:

The Committee may, before initiating any inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.

No monetary settlement can be made as a basis of conciliation.

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

The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

C. Inquiry into Complaint:

The committee 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 Committee proceeds to make an inquiry into the complaint within a period of one week of its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint:

- (i) Complainant should submit the complaint along with supporting documents and the names of the witnesses
- (ii) Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- (iii) Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- (iv) No legal practitioner can represent any party at any stage of the inquiry procedure
- (v) The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- (vi) In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present
- (vii) The aforesaid inquiry shall be completed within a period of ninety days.

D. Action that may be taken by the Committee during pendency of the Inquiry

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Committee may take the following actions:-

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months, in addition to the leave she would be otherwise entitled.; or
- (c) grant such other relief to the aggrieved woman as may be prescribed.

E. Inquiry Report and Action

- (i) On the completion of an inquiry, the Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

- (ii) Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, then no action is required to be taken in the matter.
- (iii) Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it may take the following actions depending upon the circumstances :
 - a. Formal apology
 - b. Counselling
 - c. Written warning to the Respondent and a copy of it maintained in the employee's file.
 - d. Change of work assignment / transfer for either the Respondent or the Complainant.
 - e. Suspension or termination of services of the employee found guilty of the offence
 - f. Granting of compensation or damages to the Complainant

F. False or Malicious Complaint

Where the Committee arrives at a 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 or any other person making the complaint has produced any forged or misleading document, the Complainant shall, be liable for appropriate disciplinary action by the employer.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended

Where the 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 to take necessary actions in this regard.

G. Penal Consequences of Sexual Harassment

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint.

Confidentiality

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

Access to Reports and Documents

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

Conclusion

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.