

Prevention of Sexual Harassment at Workplace (POSH)

Objective

- The purpose of this policy is to foster a respectful workplace through the prevention and prompt resolution of harassment and make Servotech Power Systems Limited together with any of its affiliates or subsidiaries (hereinafter referred to as the '**Company**' or '**Servotech**') a workplace that is considered an acceptable place for employees to have their genuine concerns looked into by the management via the Internal Complaint Committee formed for this purpose.
- We are committed to giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment. The Company will take serious disciplinary action against any victimization of the employee who is complaining or the alleged harassment that may result from a complaint.
- Company has zero tolerance towards sexual harassment. Sexual harassment at the workplace or other than work involving employees is a grave offense and is strictly prohibited by the company.

Scope

- This policy is in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the verdicts of the Supreme Court of India in connection with Sexual Harassment. Having stated that, it will be our endeavor to exercise this policy in a "gender neutral" way, that is, applicable to all the genders.
- The Company's policy against sexual harassment applies to all the genders, wherein the women are entitled to make a complaint and seek relief from the "**Internal Committee**" (defined below) in case of any incidents of Sexual Harassment in relation to the Workplace.
- All the employees of the company are expected to adhere to this policy in the letter as well as in spirit.

Some Definitions

- "**Aggrieved Women**" means a women of any age, at the workplace whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- "**Complaint**" is meant to be construed, defined, understood, and interpreted as a formal allegation of Harassment submitted in writing or otherwise by the Aggrieved Women to the Internal Complaint Committee.
- "**Conciliation**" is a process to resolve conflict/complaint by the internal committee on the specific request of the aggrieved employee in the manner provided under the act.
- "**Workplace**" includes any department, organization, undertaking, establishment, enterprise, institution, office, branch, or unit, which is established, owned, or controlled

wholly or substantially financed by the organization's funds. Any place visited by the employee arising out of or during employment including transportation provided by the employer for undertaking such journey.

- **"Employee"** means a person employed at a workplace for any work on a 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.
- **"Harassment"** is any improper conduct by an individual, that is directed at and offensive to another person or persons at the workplace, and that the individual knew or thought reasonably to have known would cause offense or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the "protection of human rights act, 1993" as is applicable under the laws of the Republic of India. Harassment shall also include sexual harassment as defined below.
- **"Internal Complaint Committee"** means a committee constituted by company as per this policy.
- **"Respondent"** means a person against whom the aggrieved person has made a complaint in respect of sexual harassment at the workplace.

Sexual Harassment

- Sexual Harassment includes unwelcome sexually determined behavior, which can be humiliating and may constitute an unsafe and unhealthy work environment.
- Sexual Harassment includes 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
 - Sexually colored remarks; or
 - Showing pornography; or
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- Sexual harassment also includes any of the following:
 - Unwelcome sexual/physical advances, requests, or demands for sexual favor, either explicitly or implicitly, in return for employment, promotion, examination, or evaluation of a person towards any Company's activity.
 - Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance;
 - Eve-teasing, innuendos and taunts, physical confinement against one's will, and likely to intrude upon one's privacy.
 - Act or conduct by a person in authority which creates the environment at the workplace hostile or intimidating to a person belonging to the other sex;



- The conduct of such an act at the workplace or outside to an employee of company or vice versa during employment; and
- Any unwelcome gesture by an employee having sexual overtones

Guidelines

Types of Sexual Harassment

- Under the quid pro quo (meaning ‘this for that’) form of harassment, a person or authority, usually the superior of the victim or someone who has direct control over the working conditions of the victim demands sexual favors to get a job benefit (like good increment, promotion etc.) and threatens to not extend benefits to the employee if sexual favor is not met. In other words, implied or explicit promise of preferential treatment in his / her employment or implied or explicit threat of detrimental treatment in his/her employment or implied or explicit threat about his / her present or future employment status will amount to quid pro quo sexual harassment
- A hostile work environment arises when a person creates a work environment unsafe through:
 - Verbal – Includes sexual words/language and other sexually suggestive comments
 - Non-Verbal includes showing gestures or written offensive material and making offensive sounds
 - Physical conduct includes intentional touching of the body and inappropriate display of the body or parts
- Which interferes with another employee’s job performance or creates a workplace atmosphere, which is intimidating, hostile, offensive, or humiliating. In other words, among other circumstances, if it occurs or is present in relation to or connected with any of these acts like interference with his/her work or creating an intimidating or offensive or hostile work environment for him / her, or humiliating treatment likely to affect his/her health or safety will amount to sexual harassment.

Internal Complaint Committee (ICC)

- A Committee has been constituted by the Management called the ‘Internal Complaint Committee’ to consider and redress complaints of Harassment. The presiding Officer and Members of the Committee are as follows:
 - One Presiding Officer is a senior level woman employee of the organization
 - Two employee members committed to the cause of women having experience in social and / or legal knowledge; and
 - One member from Non-Government Organization or Association committed to the cause, someone who is familiar with the issues relating to harassment at workplace
- Details of the names of the Internal Complaint Committee Members are displayed on the notice board.
- The objective of the Internal Complaint Committee is to:
 - Prevent discrimination and harassment against all employees, by promoting gender amity among employees

- Make recommendations to the Management for changes/elaborations in Employee Policy, to ensure they are gender just and lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women
- Deal with cases of discrimination and sexual harassment against women, in a time-bound manner, aiming at ensuring support services to the victimized and termination of the harassment
- Recommend appropriate punitive action against the guilty party to the Director/Management
- Follow any other procedure as mandated in the Act.

If You Are Harassed

- If you believe you have been subjected to or witnessed sexual harassment committed by anyone, including visitors or other non-employees, you should:
 - Tell the offender that his behavior is unwelcome and ask him to stop immediately
 - Keep a record of incident / s (dates, times, locations, possible witnesses, what happened, your response). It is helpful and necessary to have a record of events; since such records can strengthen your case and help, you remember the details over time. While submitting your written complaint it is necessary to have all details and evidence attached to the complaint
 - If, after telling the offender to stop his/her behavior, the sexual harassment continues, report the abuse to your reporting Manager. If the respondent is your reporting manager then report to the HR Department. Sexual harassment complaints can also be addressed to the Internal Committee member constituted to address sexual harassment complaints.
 - Such a complaint should be made in writing as per Redressal mechanism.
 - Once the Aggrieved Person makes a complaint it is necessary for the complainant to keep the information about the complaint strictly confidential

Handling the Complaint/ Redressal

- **Making a Complaint:**
 - An Aggrieved Woman can make a complaint to the IC as per rules set out by the company within three (3) months from the date of incident; or in case of a series of incidents, within three (3) months of the date of the last incident.
 - If the complaint cannot be made in writing, reasonable assistance is to be provided by Presiding Officer/Member of the IC to the Aggrieved Woman in order to make the complaint in writing.
 - The time limit for submitting the complaint may be extended by another three (3) months if the IC is satisfied that those circumstances prevented the Aggrieved Woman from making the complaint.
- If the Aggrieved Woman is dead or physically or mentally incapable of filing the complaint, then legal heir(s)/prescribed persons can file the complaint on her behalf.

- **Manner of inquiry into the complaint:**
 - The Complainant shall submit 6 (six) copies of the complaint to the IC along with supporting documents and the names and addresses of the witnesses.
 - On receipt of the Complaint, IC shall send one copy to the respondent within 7 (seven) working days
 - The Respondent is to file his reply along with list of documents and names and addresses of witnesses within 10 (ten) working days from the date of receipt of the documents
 - IC shall make inquiry into the complaint in accordance with the principles of natural justice.
 - If the Complainant or Respondent fails, without sufficient cause, to present herself or himself for 3 (Three) consecutive hearings convened by the Presiding Officer, IC may terminate the inquiry proceedings or give ex-parte decision on the complaint by giving a notice in writing 15 days in advance.
 - The parties are not allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before IC.
 - Minimum 3 (Three) members of IC including the Presiding Officer to be present in conducting the enquiry
- **Conciliation:**
 - The IC can settle the matter between an Aggrieved Woman and the Respondent:
 - a) Before an inquiry is initiated by the IC; if the request is made by the Aggrieved Woman
 - b) No monetary settlement can be made as the basis of settlement
 - If the settlement is concluded, the IC shall:
 - a) Record the settlement;
 - b) Forward the same to the Employer to take recommended action;
 - c) Provide a copy of the settlement to the Aggrieved Woman & Respondent;
 - d) Not proceed with any further inquiry;
 - e) Proceed with an inquiry if the Aggrieved Woman informs that the settlement is not being complied with by the Respondent.
- Both the complainant and the alleged respondent initially will be questioned separately with a view to ascertaining the veracity of their contentions
- The Internal Complaint Committee shall have the same power as that of a civil court and can:
 - Summon and enforce the attendance of any person and examine him/her on oath
 - Ask for the production of the documents
- The Internal Complaint Committee shall, where the respondent is an employee, proceed to make an inquiry into the complaint in accordance with the provisions of the service

rules applicable to the respondent. In addition, the Internal Complaint Committee shall if the aggrieved so desires and if a prima facie case exists, assist and forward the complaint to the police, for registering the case under section 509 of the Indian Penal Code

- If the aggrieved informs the Internal Complaint Committee, that any term of condition of the settlement arrived has not been complied with by the respondent, the Internal Complaints Committee shall proceed to make an inquiry into the complaint including forwarding the complaint to the police as the case may be
- During the pendency of an Inquiry on a written request made by an aggrieved, the Internal Complaint Committee in its sole discretion may recommend to the employer the following:
 - Transfer the Aggrieved or the respondent to any other workplace or department
 - Grant leave to the Aggrieved up to a period of three months
- The Internal Complaint Committee will make such a recommendation after considering the necessity for taking such an action; if a prima facie case of Sexual Harassment exists; and if the medical condition of the Aggrieved so requires, as certified by competent Medical Authority. It will also depend upon the extent of damage it can cause and look at severity of the incident
- The Internal Complaints Committee shall complete the inquiry within ninety days. The Internal Complaints Committee on completing the inquiry will make a detailed report within 10 days of completing the inquiry and submit it to the Company's Management the following:
 - Background
 - Documented testimony of the complainant and the respondent
 - Evidence gathered/recorded
 - Findings of the Inquiry
 - Recommended action
- The Internal Complaint Committee, if after completing an inquiry arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to Company's Management no action to be taken in the matter
- If the Internal Complaint Committee arrives at the conclusion that the allegations against the respondent have been proved it shall recommend to Company's Management:
 - To take action for Sexual Harassment as misconduct in accordance with the provisions of the service rules applicable to the respondent including dismissal
 - To deduct from the respondent's salary or wages that may be considered appropriate to be paid to the aggrieved as prescribed under the law
- Upon receipt of the report, Company's Management will review the report and determine what action and follow-up needs to be taken
- If the allegation is proved against the accused, then the below award would be given by the management
 - Written warning
 - Fine/ salary deduction
 - Demotion/ transfer
 - Suspension
 - Termination
 - Any other award which is deemed to be fit by the management



- If the allegation is not proved against the accused, then the below award would be given by the management
 - Verbal warning
 - Written apology
 - Transfer
 - Training
 - Counseling
 - Any other award which is deemed to be fit by the management
- If the allegation is not proved against the aggrieved/ victim, then the below award would be given by the management
 - Verbal warning
 - Written apology
 - Transfer
 - Training
 - Counseling
 - Any other award which is deemed to be fit by the management
- The complainant and the respondent shall be informed of the outcome of the investigation. If the investigation reveals that the complainant has been sexually harassed as claimed, the respondent will be disciplined accordingly as prescribed by law
- Notwithstanding anything contained in the Right to Information Act 2005, the contents of the complaint made, identity, respondent and witnesses, any information relating to conciliation and inquiry proceedings, and recommendations of the Internal Complaints Committee shall not be published, communicated, or made known to the public
- Enquiry under this Policy will be held at the location of the complaint (Head office/Factory/Showrooms)

False or Malicious Complaint

- This Policy has evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of Sexual Harassment. However, if on inquiry by the Internal Complaints Committee it is concluded that the complaint was made with malicious intent or the Aggrieved or any other person making the complaint has made the complaint knowing it to be false, forged, or misleading document submission and with the motive of maligning the respondent individual/tarnishing his/her image in the Company and to settle personal/professional scores, strict disciplinary action will be taken against the complainant.
- In case, during the inquiry, mere inability to substantiate a complaint or provide adequate proof may not attract action against the complainant. If in case, the Internal Complaints 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 act in accordance with the provisions of the service rules applicable to the said witness.

Protection against Non-Retaliation

- Company prohibits retaliation of any sort, regardless of the outcome of the complaint against a person who has reported a concern, brought a complaint, cooperated in the inquiry of a complaint, or because a person is closely associated with an individual who has raised a complaint.
- The Organization while dealing with complaints of Sexual Harassment shall ensure that the Complainant or the witness is not victimized or discriminated against by the respondent.
- The Complainant should report any unwarranted pressures, retaliatory, or any other type of unethical behavior from the respondent while the investigation is in progress to the Internal Complaints Committee as soon as possible.
- If the complaint made is found to be genuine, Internal Complaints Committee will take disciplinary action against the respondent

Confidentiality

- The identity and addresses of the aggrieved employee, respondent, and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, and action taken against the respondent under this policy shall not be published, communicated, or made known to public, press, and media in any manner by any person having knowledge of the same.

Appeal & Other Recourse

- Any person aggrieved from the recommendations made by the Internal Complaint Committee or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the Act. The appeal shall be made within a period of ninety days of the recommendations.
- Assaults including sexual assault are covered by the Criminal Code and in such cases, if proven guilty the employment will be terminated. Any allegation of such an incident must be accompanied by a police complaint.
- If a complaint on the same issue is or has been dealt with through another avenue of recourse, the complaint process under this policy will not proceed further and the complaint will be closed and the concerned employee must be suspended or immediately terminated.

Awareness

All the employees shall have access to this policy at any given point in time and clarification related to this policy shall be addressed by the HR team.

- A brief shall be given to all existing employees regarding the features of this policy immediately on the formulation of the policy and to new employees in the organization during their induction
- The company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with a safe working environment at the workplace.



- The company shall display the notice showing the name of the Internal Complaint Committee members at every establishment in a conspicuous place

Annual Report

The Internal Complaint Committee shall prepare an annual report which shall have the following details:

- Number of complaints of sexual harassment received in the year
- Number of complaints disposed of during the year
- Number of cases pending for more than ninety days
- Number of workshops or awareness programmes against sexual harassment carried out
- Nature of action taken by the company

POSH Committee: Need to finalise these members

1. Ms. Rashmi Upadhyay (Presiding Officer)
2. Ms. Rupinder Kaur
3. Mr. Digvijay Kapoor
4. Ms. Rama Narang
5. Kanwar Anshuman Singh

Amendment

- The Company may make any alteration or amendment or rescind any of the clauses of this policy as and when it finds it necessary to do so if it complies with the Act. Any such alterations or amendments or rescinding will be intimated to the employee.