

POSH POLICY



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1. PREFACE

- i. Sanden Vikas (India) Private Limited & its subsidiaries (list of company annexure attached) are an equal employment opportunity company and is committed towards creating a healthy working environment that enables employees to work without fear or prejudice, gender bias and a harassment free workplace to all employees without regard to race, caste, religion, color, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the workplace or other than workplace if involving an employee or employees is a grave offence and is therefore, punishable.
- ii. The Supreme Court of India has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. This policy takes complete cognizance of the latest legislation by the Government of India "The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and its rules notification published on 9th December 2013. This Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto. But after May 2022, after the guidelines from the Apex Court that the "Aggrieved employee / Victim could be anyone irrespective of the gender" Considering which we at Sanden Vikas have also made our organization's policy Gender neutral.
- iii. At Sanden Vikas all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to:
 - a. Treat each other with dignity and respect
 - b. Follow the letter and spirit of law
 - c. Refrain from any unwelcome behavior that has sexual connotation (of sexual nature)
 - d. Refrain from creating hostile atmosphere at workplace via sexual harassment
 - e. Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

2. SCOPE

This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company in India. This policy also extends to any person visiting the organization which includes permanent temporary workers, trainees and employees on contract at its workplace or at client's sites. This policy shall also extend to any applicants, candidates, customers, contractors, suppliers, clients, visitors, expats etc. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates. Local laws of the country depending upon employee's nature of job shall take precedence over this policy, in other geographies, if applicable.

3. APPLICABLE TO

- i. All the employees and consultants (including Interns/ Apprentice/ Management Trainees) at Sanden Vikas.
- ii. All office premises and areas which can be termed as notional extension of employer's premises.
- iii. The extended "Workplace" - Any place visited by the employee arising out of, or during course of employment, including transportation provided by employer.

- iv. Interactions arising as a result of employment within the company.
- v. ~~All the visitors & vendors associated with us & visiting any premises of the company or whose premises our employees visit during the course of business.~~
- vi. This policy will extend to all employees of the Company including those employed on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, customers, visitors, vendors, suppliers , contractor or contract worker, probationer, trainee, apprentice or called by any other such name, whether for the remuneration or not, or working on a voluntary basis or otherwise as per the terms of employment as are express or implied but are subjected to sexual harassment at the Premises (defined hereinafter) of the Company.

4. DEFINITION

4.1 Aggrieved Individual

An Aggrieved Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment at the workplace.

4.2 Complainant

A Complainant is any Aggrieved Individual (if the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.

4.3 Employee

An Employee means a person employed with the Company for any work on permanent, deputation, temporary, consultants, part time, 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.

4.4 Employer

An "Employer" is a person responsible for the management, supervision, and control of the workplace, including heads of government departments, private organizations, and even households employing domestic workers, ensuring accountability for a safe environment across diverse work settings.

4.5 Respondent

A Respondent means the person against whom the Complainant has made a complaint.

2.1 **"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. A demand or request for sexual favors; or
- iii. Making sexually colored remarks; or
- 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.; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

As such, any behavior which is unwelcome or unwanted and causes discomfort to an employee ought to be considered as an act of sexual harassment.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment

- a. Implied or explicit promise of preferential treatment in employment.
- b. Implied or explicit threat or detrimental treatment in employment status.
- c. Implied or explicit threat about the present or future employment status.
- d. Interference with the work or creating and intimidating or offensive or hostile work environment.
- e. Humiliating treatment is likely to affect health or safety.
- f. An alleged act of Sexual Harassment committed during or outside of office hours including the concept of “notional employment” falls under the purview of this policy.

4.6 Special Educator

A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

4.7 Workplace

- i. Premises, locations, establishment, enterprises, institutions, offices, branches or units established, owned, and controlled by the Company.
- ii. Places visited by the Employee arising out of or during employment including official events, transportation, Accommodation provided by the employer for undertaking such journey.

5. COMPLAINT REDRESSAL COMMITTEE/INTERNAL COMPLAINTS COMMITTEE (IC)

A Sexual Harassment complaint committee has been constituted by the Sanden Vikas to consider and redress complaints of Sexual Harassment. The members of the committee could be changed for reasons related to discontinuance with the Company. The same shall be updated as & when the members leave and the new committee members are appointed.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise of the following:

- i. Chairperson/Presiding Officer- Shall be a woman employed at a senior level at workplace amongst the employees.
- ii. Members- Shall be amongst employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge.
- iii. One outside Member - amongst Non-Governmental Organizations or associations committed to cause a woman or a person familiar with the issues relating to sexual harassment.
- iv. Provided that at least one-half of the total members so nominated shall be woman.
- v. The members appointed from amongst the N.G.O/ Associations shall be paid such fees or allowances for holding the proceedings of internal committee, by the employer as may be prescribed.
- vi. The Employer reserves rights to remove/ fill the casual vacancy in accordance with the provisions of the Act.

5.1 Internal Complaint Committee (IC):

Company will constitute one Internal Complaint Committee (IC) headed by Complaint Officer most preferably a female employee and half of its members will comprise of women, to deal with sexual harassment cases. Complaint Officer will not be below rank of Executive, and she can be from any department as decided by the Employer.

5.2 Complaint Mechanism:

5.2.1 Powers & Duties of Internal Complaint Committee (IC)

To make an enquiry, the Committee has the following powers: -

- i. To process individual grievances concerning sexual harassment in the workplace.
- ii. Summon and enforce the attendance of any person and examine her/him on oath.
- iii. Requiring the discovery and production of documents.
- iv. Transfer the aggrieved employee or the respondent to any other workplace.
- v. Grant leave to the aggrieved employee up to a period of 3 months.
- vi. It is the responsibility of the IC and the employer to prohibit disclosing the identity and address of the aggrieved, respondent and the witness. Anyone who discloses the same will be penalized with INR 5000 or more.
- vii. The Internal Committee, in each calendar year shall prepare an annual report and submit the same to the employer and the district officer.

5.2.2 Conciliation Procedure for Enquiry:

- i. Before initiating an enquiry and at request of the aggrieved or his/her legal heir, the matter shall be listed for conciliation through the process of settlement. The internal committee shall initiate the proceedings to settle the matter amicably. The proceedings shall be recorded in writing. No settlement for monetary composition shall be executed. A copy of such settlement shall be provided to the Employer and the parties concerned.
- ii. The proceedings shall be made subject to principle of natural justice and opportunity of being heard shall be given to the respondent.
- iii. In case no settlement is carried out or the settlement executed in conciliation is not complied with, then the matter shall be processed through investigation and enquiry by the Committee. The entire procedure of law and the attendance can be enforced by the committee in terms of the rules and guidelines laid down by the said law. The statement of the witnesses shall be recorded, and the fact-finding proceedings shall be initiated as per law.

5.2.3 Responsibilities of Internal Complaint Committee (IC)

- i. Investigating every formal written complaint of sexual harassment.
- ii. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- iii. Discouraging and preventing employment-related sexual harassment
- iv. On the request of the aggrieved, the IC can take steps for settlement; however, no monetary settlement shall be made as the basis of conciliation.
- v. The Internal Committee shall provide the copies of the recorded settlement to the aggrieved and the respondents.
- vi. In case the aggrieved/respondent does not abide to the recorded settlement, the IC reserves its rights to adopt appropriate actions.
- vii. All the parties shall be given an opportunity of being heard
 - a) Handling complaints of sexual harassment at the workplace.
 - b) Initiating and conducting inquiry as per the established procedure.
 - c) Submitting findings and recommendations of inquiries. Coordinating with the employer in implementing appropriate action.
 - d) Maintaining strict confidentiality throughout the process as per the guidelines established.
 - e) Submitting annual reports in the prescribed format.

5.2.4 Enquiry Process:

- i. A Complainant can make, in writing, a complaint of Sexual Harassment to the Internal Complaints Committee (IC), 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. The IC may, 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 Complainant from filing a complaint within the said period.
- ii. If the Aggrieved Individual is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:
 - a) His/her relative or friend; or
 - b) His/her co-worker; or
 - c) An officer of the National Commission for Women or State Women's Commission; or
 - d) Any person who has knowledge of the incident, with the written consent of the Aggrieved Individual
- iii. If the Aggrieved Individual is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by:
 - a) His/her relative or friend; or
 - b) A special educator; or
 - c) A qualified psychiatrist or psychologist; or
 - d) The guardian or authority under whose care he/she is receiving treatment or care; or
 - e) Any person who has knowledge of the incident jointly with the Aggrieved Individual's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care
- iv. If the Aggrieved Individual for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with his/her written consent.
- v. If the Aggrieved Individual is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.
- vi. The complaint can be submitted to any IC member. The IC may but shall not be bound to accept oral or anonymous complaints under this Policy.
- vii. The Complainant shall submit six copies of the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses.
- viii. The Committee will maintain a record of the complaints received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- ix. The Committee will hold a meeting with the Complainant within five days of receipt of the complaint, but no later than a week in any case.
- x. At the first meeting, the Committee members shall hear the Complainant and record/her allegations. The Complainant can also submit any corroborative material with documentary proof, oral or written material, etc., to substantiate her complaint.
- xi. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him/her to give an explanation, where after, and "Enquiry" shall be conducted and concluded.
- xii. In the event, the complaint does not fall under the purview of Sexual Harassment, or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

- xiii. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Employer.
- xiv. The committee shall conduct all the enquiries outside the company premises, and the proceedings shall be conducted in camera. In case the proceedings are conducted on digital platforms the same shall also be recorded. The presiding officer of the committee shall be the custodial of the recordings, which can be investigated only after a request in writing by any party. The Presiding officer shall ensure all norms to ensure confidentiality of the said proceedings.
- xv. The Committee shall call upon all witnesses mentioned by both parties.
- xvi. The Committee shall provide every reasonable opportunity for the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- xvii. The Committee shall complete the "Enquiry" within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the Employer within a period of ten days from the date of completion of the inquiry and such report may be made available to the concerned parties only after their request. The report of the committee shall be treated as an enquiry report based on which an erring Employee can be awarded appropriate punishment straightaway.
- xviii. The Employer will direct appropriate action in accordance with the recommendation proposed by the Committee or as they deem fit as per the code of conduct or terms of appointment letter of the guilty and the quantum of offence.
- xix. The Committee shall be governed by such rules as framing by the Supreme Court orders or any other legislation enacted later on.

5.2.5 Other Points to be Considered

- i. The Committee shall recommend Employer action which may include transfer or any other appropriate disciplinary action.
- ii. Employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- iii. Where sexual harassment occurs because of an act or omission by any third party or outsider, in the **name of Sanden Vikas subsidiary** mentioned in Annexure A, shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- iv. The Committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to Employer and the District Officer.
- v. 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.
- vi. Penal Consequences of Sexual Harassment
 - a) In addition to action which the Employer may initiate under the Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act 2013, the following liability may arise under the Indian Penal Code.
 - b) Under the Bhartiya Nyay Sanhita, (BNS), the newly introduced Section (S. 75) which deals with Sexual Harassment has made this a 'cognizable offense' i.e., a person charged with Sexual Harassment may be arrested without a warrant.
 - c) A man committing any of the following act
 - I. Physical contact and advances involving unwelcome and explicit sexual overtures or
 - II. a demand or request for sexual favors or
 - III. Showing pornography against the will of a woman or
 - IV. Making sexually colored remarks shall be guilty of the offence of sexual harassment.

Any man who commits the offence specified in clause(I) or clause (II) or clause (III)

above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

- a) Any man who commits the offence specified in clause (IV) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
- b) In addition, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.

Note: In case of misuse of the display or the contact details of the committee member necessary disciplinary actions will be taken.

6. REPORTING TO THE EMPLOYER

After an inquiry, complaint committee will prepare investigation report on the basis of fact findings and recommendations for the action and submit it to Employer for their decision and action in the case.

7. PROTECTION AGAINST VICTIMIZATION

Company has an obligation to ensure that a person who lodges a complaint in good faith and without malice is protected and will not allow a person raising concern to be victimized for doing so. In the unfortunate event where, despite the best of precautions, the complainant would be victimized, will treat this as a serious matter and take disciplinary action against the perpetrator.

8. PREVENTIVE STEPS

POSH Committee shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps should include:

- a) Circulation of the policy in English / Vernacular in Office / Plant / Works locations on Sexual harassment to all direct / indirect employees.
- b) Prevention of Sexual harassment, will be affirmatively discussed at meetings, workshops etc.
- c) Conduct regular in-house training or provide awareness sessions to the new joiners during the Orientation program on sexual harassment.
- d) Guidelines will be prominently displayed to create awareness of the rights of employees.
- e) A commitment is required from all the levels of the organization for the positive implementation of the policies and procedures made against sexual harassment.
- f) Widely publicize that the Sexual Harassment is a crime & will not be tolerated.
- g) Names and contact numbers of members of the POSH committee will be prominently displayed in all the Offices.

9. GUIDELINES FOR COMPLAINT HANDLING

- i. No person who is a complainant, witness, or defendant in the complaint of gross misconduct or sexual harassment, shall be a member of the Committee.
- ii. Any anonymous complaints, on grounds of difficulty of establishment of facts, are not covered.
- iii. The Committee shall enquire into the complaint of sexual harassment by following procedures in conformity with the principles of natural justice and gender sensitivity.

10. CONFIDENTIALITY:

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

11. PROTECTION TO COMPLAINANT/VICTIM:

- i. The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.
- ii. The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- iii. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.
- iv. In conclusion, the Company reiterates its commitment to providing its employees with a workplace free from harassment/discrimination and where every employee is treated with dignity and respect.

12. INTERPRETATION

- i. On any occasion or any doubt, differences or disputes 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 Employer shall always be final and binding between the parties. The Company reserves the right to review and revise this policy at any point in time. This policy shall supersede any other previous policies/communications on the subject.
- ii. Nothing contained in this policy shall prejudice any right available to the aggrieved employee from seeking any legal remedy under the National Commission of Women Act, 1990, Protection of Human Rights Commission Act, 1993 or under Indian Penal Code and or any other rule for the time being in the force.

13. DISCLAIMER

This document is the sole property of the Company and may not be copied, used or disclosed for any purpose except as authorized by the Company. The provision of the said policy shall prevail in case any inconsistency arises with policy terms.

14. CONCLUSION

At Sanden Vikas, it has been the constant effort of all the employees in creating conducive work environment where the relationship between male and female employees is extremely cordial. However, the objective of this policy is to create awareness amongst the employees. There has also been alteration in statute and therefore it would be the responsibility of HR team and Department heads to provide awareness program to the new joiners or conduct regular sessions/training programs on such important issue and create an excellent, comfortable work environment for the employees.

15. DEVIATIONS

- i. Any deviations to this policy require approval from the Managing Director.
- ii. Employers reserve the right to modify or terminate this policy without prior notice

