

## **Prevention of Sexual Harassment at Workplace**

### **1. Introduction**

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (“Act”), the Company has framed a policy for Prevention of Sexual Harassment at Workplace. In the exercise of the powers conferred by Section 29 of the Act, the rules are also notified.

The objective of the policy is to provide its women employees, a workplace free from harassment /discrimination and ensure that every employee is treated with dignity and respect.

### **2. Scope**

This policy applies to all categories of employees of the Company, including on roll employees, workmen, temporaries, trainees and contractual employees at the Registered office, branch offices and Plant.

The workplace includes:

- All offices or other premises where the Company’s business is conducted;
- All Company related activities performed at any other site away from the Company’s premises;
- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

### **3. Definition of Sexual Harassment**

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or nonverbal conduct of sexual nature.

The following circumstances, among the 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.

➤ implied or explicit promise of preferential treatment in employment.

- or implied or explicit threat of detrimental treatment in employment.
- or implied or explicit threat about present or future employment status.
- or which interferes with the work.
- or creates an intimidating or offensive or hostile work environment.
- or humiliating treatment likely to affect the health or safety.

#### **4. Responsibilities Regarding Sexual Harassment**

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

#### **5. Complaint Mechanism**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “Internal Complaints Committee (ICC)” has been created in the Company for time bound redressal of the complaint made by the aggrieved.

#### **6. Internal Complaints Committee (ICC)**

The Company has instituted an Internal Complaints Committee for redressal of sexual harassment complaints (made by the aggrieved) and for ensuring time bound treatment of such complaints. In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise the following:

- Presiding Officer who shall be a woman employed at a senior level at workplace amongst the employees;
- Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- One member shall be from amongst non-governmental organizations OR Association committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

At least half of the total members of the committee must be women. The presiding officer and every member shall hold office for such period, not exceeding 3 years, from the date of their nomination as may be specified by the employer.

The name of the members of the Internal Complaints Committee is as per Annexure I.

The ICC is responsible for:

- Investigating every formal written complaint of sexual harassment;
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment;
- Discouraging and preventing employment related sexual harassment.
- Ensuring confidentiality and protection of complainant during and after investigation from retaliation and/or harassment as specified later.

All complaints of POSH pertaining to any of its locations shall be redressed by the said ICC.

#### **7. Procedures for Resolution, Settlement or Prosecution of Acts of Sexual Harassment**

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

#### **8. Informal Resolution Options**

- When an incident of sexual harassment occurs, the aggrieved can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
- If the harassment does not stop or if aggrieved is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the supervising manager or the HR. In case the matter is not resolved at this level the Complainant may approach the ICC for redressal of her grievances. The ICC will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.
- The ICC may, before initiating an inquiry, and at the request of the aggrieved person take steps to settle the matter through conciliation. Only the complainant can make a request for conciliation. Resolution through conciliation happens within 2 weeks of receipt of complaint. No monetary settlement can be made as a basis of conciliation. Where such a settlement is arrived at, the ICC is required to record the settlement and send copies of the settlement to the

aggrieved person and the respondent. The details shall also be reported to the Board of Directors. On arrival at a settlement, no further inquiry is to be conducted in the matter by the ICC.

## **9. Complaints and Redressal Procedure**

- Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the presiding officer of the ICC constituted by the management.
  
- If the complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall provide all reasonable assistance to the complainant for making the complaint in writing.
  
- If the complainant is unable to lodge the complaint on account of their incapacity, the following may do so on their behalf, with their written consent.
  - a. Co-worker
  
  - b. Any person having the knowledge of the incident.
  
  - c. Such prescribed person

Where the Aggrieved Woman is dead, a Complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir(s).

- If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of such person to report the same to the ICC immediately. Any such person shall not disclose the matter to any other person except the members of the ICC. Any disclosure of any details of the Complaint shall result in Penal action as well as any action that Nesco may deem fit.

- **The Compliant should be marked to the Internal Complaints Committee (ICC), Nesco Center, Western Express Highway, Goregaon (East), Mumbai – 400 063.**
- The complainant shall submit 6 copies of the complaint to the ICC along with supporting documents and the names and addresses of the witnesses in writing; and can be in the form of a letter, preferably within 3 months from the date of occurrence of the alleged incident. This period may be extended for further 3 months for reasons recorded in writing. Alternately, the employee can send complaint through an e-mail to [posh@nesco.in](mailto:posh@nesco.in) the aggrieved is required to disclose her name, department and the location she is working in, to enable the presiding officer to contact her and take the matter forward.
- The Internal Complaint Committee shall send one of the copies received from the aggrieved to the accused (respondent) within a period of 7 working days.
- The accused (respondent) shall file his reply to the complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 working days from the date of receipt of the documents.
- Thereafter, the Respondent may be called for a deposition before the ICC and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the ICC the names of witness/es that they propose to call.
- The ICC shall call upon all witnesses mentioned by both the parties.
- The ICC shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- The ICC has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the aggrieved (complainant) or accused (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the chairperson, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned. In conducting the inquiry, a minimum of 3 Members of the ICC including the Presiding Officer, as the case may be, shall be present.

- The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the complaints committee.
- The ICC shall conduct such investigations within a period of 90 days and the report shall be provided to the employer within 10 days of the completion of the inquiry. The ICC report will also be made available to concerned parties.
- The Employer shall act upon the recommendation within 60 days of the receipt of the report.

#### **10. Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the management for implementation:

- Transfer the complainant or the respondent to any other workplace.
- Grant leave to the complainant for such period as they may think fit and proper.
- Prevent the respondent from assessing complainant's work performance.
- Grant such other relief as may be appropriate.

#### **11. Manner of taking action against the Respondent**

Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action which may include the following:

- Written apology;
- Warning;
- Reprimand or Censure;
- Withholding of Promotion;
- Withholding of pay rise or increments;
- Terminating the respondent from service;
- Undergoing a counselling session or carrying out community service.

#### **12. Punishment for False or Malicious Complaint and False Evidence**

Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the complainant or any other person making the complaint has made the complaint knowing it to be false or the complainant or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to her or him.

**13. Confidentiality**

The Company understands that it is difficult for the aggrieved to come forward with a complaint of sexual harassment and recognizes the aggrieved woman's interest in keeping the matter confidential.

To protect the interests of the aggrieved, the accused 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.

**14. 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.

**15. Protection to Complainant/Aggrieved**

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. The Company will ensure that the aggrieved or the witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

**16. Appeal Procedure**

If the complainant is unsatisfied with the outcome of their complaint and/or action taken by the ICC they can file an appeal before the appropriate court of law or tribunal as prescribed by the government at the time being in force.

**17. Conclusion**

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

The Company reserves the right to amend, abrogate, modify and/or rescind/reinstate the entire policy or any part of it at any point in time.

In case of any issue of interpretation between the Company's policy and the POSH law, the POSH law will prevail.

## **18. Revision and Amendment**

The Board shall revise and amend this policy from time to time.

2nd version of this policy approved by the Board of Directors on 13th February 2024

### **Annexure I**

#### **Composition of Internal Complaints Committee**

<b>Name</b>	<b>Designation</b>
Ms. Sangeeta Save	Presiding Officer
Ms. Bushra Kalimi	Member
Mr. Rajendra Kankekar	Member
Ms. Leena Shah	External-Member