

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN (POSH) IN NEO METALIKS

A. Introduction:

This policy 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”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Our success is based on our people. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We associate with competent and motivated people who respect our values, provide equal opportunities to explore everyone’s ideas social betterment and advancement; protect their privacy and **do not tolerate any form of harassment or discrimination**. Neo Metaliks is committed to provide an environment that ensures all employees, irrespective of their gender, are treated with dignity and respect and afforded equitable treatment. The Company will therefore not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees and stakeholders are not subjected to any form of harassment. Hence, this policy on Prevention of Sexual Harassment of women at workplace intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

B. Applicability:

This policy applies to all categories of employees of the Company, including but not limited to permanent management cadre employees, staff/workmen, temporaries, trainees and employees on contract at its workplace or at activity locations. It also applies to any personnel 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 employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

C. Definitions:

1. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals within the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts of behavior (whether directly or by implication) but not limited to:

- A. Any unwelcome sexually determined behavior or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely –
 - I. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - II. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
 - III. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one’s will
 - IV. Demand or request for sexual favors. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
 - V. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
 - VI. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
 - VII. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes.
 - VIII. Giving gifts or leaving objects that are sexually suggestive.
 - IX. Eve teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy; Persistent watching, following, contacting of a person; and Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Note: Sexual harassment can involve a series of incidents, or it can be a one-off occurrence.

- B. The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behavior of sexual harassment may amount to sexual harassment: -
 - i. Implied or explicit promise of preferential treatment in employment; or
 - ii. Implied or explicit threat of detrimental treatment in employment; or
 - iii. Implied or explicit threat about the present or future employment status; or
 - iv. Interference with work or creating an intimidating or offensive or hostile work environment for the person; or

- v. Humiliating treatment affecting any person's health or safety.

The reasonable person standard is used to determine whether the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

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.
3. **Complainant** means any aggrieved woman who makes a complaint alleging sexual harassment under this policy.
4. **Respondent** is a person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy.
5. **Employee** means 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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.
6. **Workplace** will mean the place of work which includes 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 Neo Metaliks, including transportation provided for undertaking such a journey.
7. **Employer** will mean a person responsible for management, supervision and control of the workplace

D. Roles & Responsibilities:

1. **Responsibilities of Individual:** It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
 - i. Refusing to participate in any activity which constitutes harassment
 - ii. Supporting the person to reject unwelcome behavior
 - iii. Acting as a witness if the person being harassed decides to lodge a complaint. All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.
2. **Responsibilities of Managers:** All managers of the Company must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

E. Redressal Mechanism:

In compliance with the POSH Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, within three months of the alleged incident and in case of series of incidents within three months of the last incident. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained. Thereafter, it shall be followed by a formal redressal mechanism as described in this Policy.

F. Internal Complaints Committee (Henceforth known as 'IC'):

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted who will receive Complaints for each location of the Company. The detail of the committee is notified to all covered persons at the location (workplace).

The committee at each location comprises of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace. In case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.
- At least 2 members from amongst employees, having legal knowledge
- One women employee of the Company in responsible position.
- One external 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 and/or an Advocate.
- At least one half of the total members in the IC is women.

A quorum of three members is required to be present for the proceedings to take place. The quorum must include the Presiding Officer, at least two others members.

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.

G. Lodging a Complaint:

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace or mail to gmhrir@neometaliks.com

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident.

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 the complaint receiver to report the same to the committee immediately.

Wherever possible Company will ensure that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

H. Resolution procedure through conciliation:

Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman. 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.

I. Resolution procedure through formal inquiry:

The committee will initiate 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.

1. Manner and Procedure of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
- The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
- Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
- Thereafter, the Respondent may be called for a deposition before the Committee 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 Committee the names of witness/es that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

- 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.
- Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

2. Interim relief

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

- Transfer the complainant or the respondent to any other workplace.
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled.
- Prevent the respondent from assessing complainant's work performance.
- Grant such other relief as may be appropriate. Once the recommendations of interim relief are implemented, the same is informed to the committee.

3. Termination of Inquiry

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

4. Action to be taken after inquiry

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

5. Complaint unsubstantiated

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.

6. Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

Counseling

Censure or reprimand

Apology to be tendered by respondent

Written warning v. Withholding promotion and/or increments

Suspension

Termination

Or any other action that the employer may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

7. Malicious Allegations

Where the committee arrives at the 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 woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint. While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established in the inquiry.

8. Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

9. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being made.

Awareness

Awareness sessions are to be organized to:

- Widely disseminate this internal policy for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces
- Carry out orientation programs for employees to make them aware about Company's policy on sexual harassment.
- Conduct capacity building and skill building programs for the Members of the IC.
- Declare the names and contact details of all the Members of the IC.

J. Legal Compliance:

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act).

The report 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 90 days
- Number of workshops or awareness program against Sexual Harassment carried out
- Nature of action taken by the employer or District Office.