

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN(POSH)

1. POLICY

- i. M/s. Surya Roshni Limited is an equal employment opportunity company (EEOC) 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, colour, 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 work place or other than work place 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 is laid down under the cognizance of 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 provides 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, the guidelines were issued by the Apex Court that the “Aggrieved employee / Victim could be anyone irrespective of the gender”, considering which, we at M/s. Surya Roshni Limited have also made our organization’s policy gender neutral.
- iii. At Surya Roshni Ltd., 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 :
 - Treat each other with dignity and respect.
 - Follow the letter and spirit of law.
 - Refrain from any unwelcome behavior that has sexual connotation (of sexual nature).
 - Refrain from creating hostile atmosphere at workplace via sexual harassment.
 - Report sexual harassment experienced or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

2. SCOPE

- i. 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 organisation which includes permanent, temporaries, trainees and employees on contract at its workplace or at client’s sites
- ii. 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.

iii. Sexual harassment would mean and include any of the following but not limited to :

- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct implicit or explicit
 - Physical contact and advances ;
 - Demand or request for sexual favours
 - Sexually coloured remarks, including, but not limited to vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.
 - Showing pornography or the likes or clicking photographs without consent
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- iv. 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 :
- Implied or explicit promise of preferential treatment in the employment
 - Implied or explicit threat or detrimental treatment in the employment status
 - Implied or explicit threat about the present or future employment status
 - Interference with the work or creating and intimidating or offensive or hostile work environment
 - Humiliating treatment likely to affect health or safety.
- v. An alleged act of Sexual Harassment committed during or outside of office hours while working in official capacity, shall fall under the purview of this policy.

3. APPLICABLE TO :

- i. All the employees and consultants (including Interns/ Apprentice/ Management Trainees) at M/s. Surya Roshni Limited.
- 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. DEFINITIONS :

- i. **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.
- ii. **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.
- iii. **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.
- iv. **Respondent** : A Respondent means the person against whom the Complainant has made a complaint.
- v. **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.
- vi. **Workplace** : workplace includes -
 - Premises, locations, establishment, enterprises, institutions, offices, branches or units established, owned, controlled by the Company.
 - Places visited by the Employee arising out of or during the course of employment including official events, transportation, Accommodation provided by the employer for undertaking such journey.

5. COMPLAINT REDRESSAL COMMITTEE/INTERNAL COMPLAINTS COMMITTEE

- i. A Sexual Harassment complaint committee has been constituted by the M/s Surya Roshni Limited to consider and redress complaints of Sexual Harassment. The members to the committee could be changed for reasons related to discontinuance with the Company. The Chairperson/Presiding Officer and Members of the existing Committee members shall be mentioned in the Nomination Form. The same shall be updated as and when the members leave and the new committee members are appointed. The same shall be displayed in the organization soon after update.
- ii. 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 :
 - **Presiding Officer**- Shall be a woman employed at a senior level at workplace among the employees.
 - **Members**- Shall be among employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge.
 - **One outside Member** - among Non-Governmental Organizations or associations committed to cause a woman or a person familiar with the issues relating to sexual harassment.

- iii. Provided that at least one-half of the total members so nominated shall be woman.
- iv. The member appointed from among the N.G.O/ Associations shall be paid such fees or allowances for holding the proceedings of internal committee, by the management as may be prescribed.
- v. The Management reserves rights to remove/ fill the casual vacancy in accordance with the provisions of the Act.

6. REDRESSAL 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 with 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 :
 - His/her relative or friend; or
 - His/her co-worker; or
 - An officer of the National Commission for Women or State Women's Commission;
 - 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 :
 - His/her relative or friend; or
 - A special educator; or
 - A qualified psychiatrist or psychologist; or
 - The guardian or authority under whose care he/she is receiving treatment or care; or
 - 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.
- 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 a 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 be liable for appropriate disciplinary action by the Management.

7. POWERS AND DUTIES OF INTERNAL COMPLAINT COMMITTEE (IC)

For the purpose of making an enquiry & investigation, 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 3 months.
- vi. The Internal Committee, in each calendar year shall prepare an annual report and submit the same to the employer.

8. 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 management 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 executed 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.

9. 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 workplace 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 respondent.
- 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
- viii. Initiating and conducting inquiry as per the established procedure.
- ix. Submitting findings and recommendations of inquiries.
- x. Coordinating with the employer in implementing appropriate action.
- xi. Maintaining strict confidentiality throughout the process as per established guidelines.
- xii. Submitting annual reports in the prescribed format.
- xiii. IC shall conduct its meetings to ensure the effectiveness of system and find out the ways to promote safe & healthy working environment.

10. ENQUIRY PROCESS :

- i. The Committee shall immediately proceed with the Enquiry and Communicate the same to the Complainant and person against whom Complaint is made.
- ii. The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if she/he so within 7 days of receipt of the same.
- iii. The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- iv. If the Complainant or the person against whom complaint is made 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.
- v. If the Complainant desires to tender any documents by way of evidence before the Committee, she/he shall supply original copies of such documents. Similarly, if the respondent desires to tender any documents in evidence before the Committee he/she shall supply original copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be original copies.
- vi. The Committee shall call upon all witnesses mentioned by both the parties.
- vii. The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- viii. 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 CHRO of Surya Roshni Ltd. within a period of ten days from the date of completion of the inquiry and such report should be made available to the concerned parties. The report of the committee shall be treated as an enquiry report on the basis of which an erring Employee can be awarded appropriate punishment straightaway.
- ix. The CHRO will direct appropriate action in accordance with the recommendation proposed by the Committee.

- x. The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.

11. OTHER POINTS TO BE CONSIDERED

- i. The Committee shall recommend to the CHRO action which may include transfer or any of the other appropriate disciplinary action.
- ii. The Surya Roshni Ltd. Management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- iii. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, Surya Roshni 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 CHRO.
- 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 Management, for making a Police Complaint.

12. PENAL CONSEQUENCES OF SEXUAL HARASSMENT

- i. In addition to action which the Management 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.
- ii. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) 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.
- iii. An employee committing any of the following acts :
 - Physical contact and advances involving unwelcome and explicit sexual overtures or
 - a demand or request for sexual favours or
 - Showing pornography against the will of a woman or
 - Making sexually coloured remarks
- iv. shall be guilty of the offence of sexual harassment.
- v. Any employee 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.
- vi. Any employee 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.
- vii. 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 any number/email displayed in the organization, a minimum fine of Rs. 500/- shall be imputed against the defaulter.

13. MANNER OF TAKING AGAINST THE RESPONDENT

- i. Where the Complaints Committee arrives at the conclusion that the allegation against the respondent/s 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; or
 - Terminating the respondent from service; or
 - Undergoing a counseling session or carrying out community service.
- ii. In case IC comes to a conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Management that no further action is required to be taken in the matter. In case IC comes to a conclusion that the allegation against the Respondent has been proved, it shall recommend the Management to take action for Sexual Harassment as grievous misconduct in accordance with the disciplinary proceedings of the Company.
- iii. In case IC 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, has produced a forged or misleading document or the witness has given false evidence or has produced any forged/ or misleading document, it may recommend to the Management to take action against any such person in according with the disciplinary proceedings of the Company.
- iv. The Management will direct appropriate action in accordance with the recommendation proposed by the Committee.

14. DEVIATIONS

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

15. PREVENTIVE STEPS

- i. POSH Committee shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:
 - a. Circulation of the policy in English / Vernacular in Office / Plant / Works locations on Sexual harassment to all direct / indirect employees.
 - b. Sexual harassment will be affirmatively discussed at monthly 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 & duties 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.

16. GUIDELINES FOR GRIEVANCE HANDLING

- i. No person who is a complainant, respondent, or witness 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.

17. INQUIRY REPORT

- i. On completion of the enquiry, report shall be submitted to the Management. Copies of such report shall be made available to the parties.
- ii. If based on the basis of the findings, respondent is found guilty, the Committee shall recommend the Management to take action against sexual harassment as misconduct.
- iii. Action shall be initiated by the Management within the framework of the rules of code of conduct of conduct or as per the contract of employment.

18. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:

- i. Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved 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, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to her or him.

19. 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.

20. 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.

21. INTERPRETATION

- i. On any occasion or any doubt, differences or dispute 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 Management shall always be final and binding between the parties. The Company reserves the right to review and revise this policy at any point of 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 or law for the time being in the force.

22. DISCLAIMER

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

23. 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.

At M/s Surya Roshni Limited 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 among the employees. There has also been alteration in statute and therefore it would be the responsibility of HR team and business 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.
