

PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE(PoSH)



**Policy on
Prevention of Sexual Harassment of Women
At Workplace (Posh)
Shiva Group of Companies**

1.0 POLICY

- 1.1 SHIVA GROUP is an equal employment opportunity Group and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and a harassment free workplace for all employees. The Group also believes that all employees of the Group 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.
- 1.2 The Hon'ble Supreme Court of India has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. I This policy takes complete cognizance of the latest 'legislation by the Government of India². 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.
- 1.3 **Shiva Group's Commitment to a Safe and Respectful Workplace:**
At Shiva Group, we are dedicated to creating a work environment that is free from all forms of sexual harassment. We firmly believe that every employee has the right to work in an atmosphere that promotes mutual respect, dignity, and professionalism. As part of our ongoing efforts to ensure the well-being of our employees, we have developed this Prevention of Sexual Harassment (POSH) policy.

This policy outlines our unwavering commitment to preventing, addressing, and eradicating any instances of sexual harassment within our organization. We recognize that sexual harassment not only undermines the integrity of our workplace but also has a profoundly negative impact on individuals and their overall performance.

Our POSH policy is designed to comply with all relevant laws and regulations while reflecting our values and principles. Additionally, our goal is to foster a culture of openness, support, and empathy, encouraging all employees to contribute to a safe and inclusive work environment.

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Shivtek Spechemi Industries Ltd

(Formerly known as Shvivtek Industries Private Limited)

CIN No. U24100DL2009PLC188730

❶ **Corp Office:** 1419, DLF Corporate Green Tower 1, Sector 74 A, Southern Peripheral Road (SPR), Gurugram, Haryana-122004 (India) Phone: +91-124-6904448

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We encourage every member of our organization to familiarize themselves with this policy, understand their rights and responsibilities, and actively participate in upholding the principles it embodies. Together, we can create a workplace that values everyone's contributions and embraces diversity while maintaining an atmosphere of trust and respect.

2.0 SCOPE

2.1 This Policy extends to all employees of the Group and is deemed to be incorporated in the service conditions of all employees of the Shiva Group.

2.2 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
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature • Physical contact and advances such as touching, stalking, sounds which have explicit and/or implicit sexual connotation/overtones, molestation
- Display of pictures, signs etc. With sexual nature/connotation/overtones in the work area and work related areas
- Verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance and has sexual connotation/overtone/nature • Teasing, Voyeurism, innuendos and taunts, physical confinement and/or touching against one's will and likely to intrude upon one's privacy

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour 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
 - Implied or explicit threat about the present or future employment status
 - Interference with the work or creating an intimidating or offensive or hostile work environment
 - Humiliating treatment likely to affect health or safety.

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An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy.

2.3 Definitions

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.

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.

Employee

An Employee means a person employed with the Group 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.

Respondent

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

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.

Workplace

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by the Group.
- 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.

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3.0 COMPLAINT REDRESSAL COMMITTEE/ INTERNAL COMPLAINTS COMMITTEE

As per the guidelines mentioned in the Act, Internal Complaints Committees (ICC) have been appointed for all administrative units / offices of Shiva Group. Please refer **Annexure I**.

4.0 REDRESSAL PROCESS

- 4.1** A Complainant can make, in writing, a complaint of Sexual Harassment to the (ICC) 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 ICC 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.
- 4.2** If the Aggrieved Individual is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by
- A relative or friend; or
 - A co-worker; or
 - An officer of the National Commission for Women or State Women's Commission; or
 - Any person who has knowledge of the incident, with the written consent of the Aggrieved Individual
- I)** If the Aggrieved Individual is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by
- A relative or friend; or
 - A special educator; or
 - Qualified psychiatrist or psychologist; or
 - The guardian or authority under whose care the Aggrieved Individual is receiving treatment /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 Aggrieved Individual is receiving treatment or care.

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- II)** 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.
- III)** 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.
- 4.3** The complaint can be submitted to the ICC electronically at POSH@SHIVAGROUP.com or may be physically submitted to any ICC member. The ICC may, but shall not be bound to, accept oral complaints under this Policy.
- 4.4** 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.
- 4.5** 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.
- 4.6** 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.
- 4.7** 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. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady Officer involved and a male officer for male employees, involved shall meet and record the statement.
- 4.8** 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 an "Enquiry" shall be conducted and concluded.
- 4.9** 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.

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- 4.10** In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

5.0 ENQUIRY PROCESS

- 5.1** The Committee shall immediately proceed with the Enquiry and Communicate the same to the Complainant and person against whom Complaint is made.
- 5.2** 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 desires within 7 days of receipt of the same.
- 5.3** The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- 5.4** 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.
- 5.5** 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 person against whom complaint is made 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.
- 5.6** The Committee shall call upon all witnesses mentioned by both the parties.
- 5.7** 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.
- 5.8** 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 MANAGING Director of Group 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.

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- 5.9** The Director will direct appropriate action in accordance with the recommendation proposed by the Committee.
- 5.10** The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.

6.0 OTHER POINTS TO BE CONSIDERED

- 6.1** The Committee may recommend to the Managing Director an action which may include transfer or any of the other appropriate disciplinary action,
- 6.2** Shiva Group Management shall provide all necessary assistance for the purpose of ensuring the full, effective and speedy implementation of this policy.
- 6.3** Where sexual harassment occurs as a result of an act or omission by any third party or outsider, Shiva Group shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action,
- 6.4** The Committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to Director,
- 6.5** 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.

6.6 Panel Consequences of Sexual Harassment

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,

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.

- a) A man committing any of the following acts:
- Physical contact and advances involving unwelcome and explicit sexual overtures or
 - A demand or request for sexual favors or

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iii. Showing pornography against the will of a woman or

iv. Making sexually coloured remarks shall be guilty of the offence of sexual harassment.

- b) 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'.
- e) 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.
- d) 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.

6.7 Awareness

- Awareness session on PoSH policy will be conducted from time to time.
- Refresher course on PoSH Policy shall be held once in 6 months.

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RULES UNDER PoSH

1. **Fee or Allowance for Members of Internal Committee** — The member appointed from amongst non-government organizations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the ICC and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

2. **Other relief to Complainant during pendency of Inquiry** — The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to-
 - a. Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
 - b. Restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

3. **Manner of taking action for sexual harassment** — Except in cases where service rules exist, where the Complaint Committee arrives at the conclusion that the allegations against the respondent has been proved, it shall recommend the employer or the District Officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

4. **Manner to organise workshops, etc.** — Every employer shall-
 - a. Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against woman;
 - b. Carry out orientation programmes and seminars for the members of internal committee;
 - c. Carry out employee awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, Women's Group, Mother's Committee, Adolescent Groups, Urban Local Bodies, and any other body as may be considered necessary.

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- d. Conduct capacity building and skill building programmes for members of the internal committee;
- e. Declare the names and contact details of all the members of the internal committee;
- f. Use modules developed by the state government to conduct workshops and awareness programmes for sensitizing the employees with the provision of the act.

5. Preparation of Annual Report — The annual report which the Complaints Committee shall prepare must have the following details:-

- a. Number of complaints of sexual harassment received in a year;
- b. Number of complaints disposed off during the year;
- c. Number of cases pending for more than ninety days;
- d. Number of workshops or awareness programme against sexual harassment carried out;
- e. Number of action taken by the employer.

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Annexure I

ICC members at the Corporate level will comprise of the following:

- Ms. Kashiish A Nenwani, Chairperson/Presiding officer
- Ms. Renu Sharma, Member
- Ms. Nidhi Bhargava, Independent Representative.

In order to have representation from all geographical location of Shiva Group in India, the following representatives are co-opted into the ICC:

- Gurgaon - Renu Sharma
- Kurnool - Shaikh Sajid
- Dahej - Sopan Valunj

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