Policy on Prevention of Sexual Harassment at Workplace

POLICY :3/REVISION :1

1. Introduction

At Shivtek Spechemi Industries Limited, we are committed towards providing a work environment that is safe and healthy to its employees that enables employees to work without fear of prejudice, harassment, or any form of intimidation or exploitation.

Sexual harassment results in violation of the fundamental rights to a woman to equality under article 14 and 15 of the Constitution of India and her right to life and live with dignity under article 21 of the constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

Shivtek Spechemi Industries Limited (SSIL)(COMPANY) ensures that every employee is treated with dignity and respect and is given equitable treatment. Sexual harassment is considered as gross misconduct under the service rules and applicable laws, and COMPANY is committed to take appropriate action for such misconduct.

2. Purpose

To provide protection against sexual harassment at workplace.

3. To ensure redressal of complaints of sexual harassment and matters connected therewith.

3.Objective

3.1. To provide protection to employees against sexual harassment at workplace.

3.2. To implement an effective mechanism for the prevention, prohibition and redressal of sexual harassment at the workplace or in the course of official duties with the Company.

3.3. To uphold the commitment of the Company to provide an environment that is free from discrimination and violence against all employees.

3.4. To promote a culture that will raise awareness about and deter acts of sexual harassment of employees of the Company.

4.Scope

The policy extends to all the employees of SSIL, including Confirmed employees/workmen, Employees/workmen on probation, trainees. apprentices, contract workers (at their workplace, on field or at different sites/divisions), visitors, vendors, and any such person visiting SSIL.

5.Policy Statement

5.1. We are committed to providing a safe environment for all our employees, ensuring that the workplace is free from discrimination on any ground and from harassment at work including sexual harassment.

5.2. We will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment.

5.3. Any person found to have sexually harassed another, will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and complete confidentiality.

5.4. No one will be victimised for making such a complaint.

6. Definitions

6.1. Aggrieved Person: The employee who alleges to have been subjected to any act of sexual harassment, in any of the form mentioned in clause 7.1, by the respondent.

6.2. Respondent: Respondent means a person against whom the complaint has been made.

6.3. Complainant: Means aggrieved person as defined in clause 6.1.

6.4.Employee: For the purpose of this policy employee is a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

6.5. Employer: The head of the organisation, undertaking, establishment, enterprise, office. branch or unit. A person responsible for the management, supervision and control of the workplace.

6.6. Workplace: A workplace means any premises, locations, establishments, enterprises, institutions, offices and branches, or the units established, owned, controlled by the Company. Any place 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.

6.7. Mala Fide Complaints: The fraudulent deception, and/or the act of intentionally misleading a person/a thing, and/or providing false statement/facts/documents or any other proof related to the act of harassment, to the committee during the investigation.

7. Key Terms

7 .1. Sexual Harassment: Includes any one or more of the following unwelcomed 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 a sexual nature

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 employment

• Implied or explicit threat of detrimental treatment in employment

• Implied or explicit threat about present or future employment status or interferes with work or creating an intimidating or offensive or hostile work environment.

7 .2. Types of Sexual Harassment

7.2.1. Quid pro quo: Quid pro quo means "something in return for something". Quid pro quo harassment usually occurs when the respondent being a person in power, pressurises an employee for sexual favors in exchange for advancement in the workplace or threat of adverse employment action. This also occurs when a person in power says he or she will not fire or reprimand an employee for some type of sexual favor.

7 .2.2. Hostile Work Environment Hostile work environment occurs when an individual or group of individuals creates an unsafe, intimidating and offensive work environment through verbal, non-verbal or physical conduct.

8. Internal Complaints Committee

8.1. Sexual harassment complaints shall be handled and addressed by the •internal Complaints Committee" constituted by the Management.

As per guidelines in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee constitutes following members:

• A presiding officer who shall be a woman employed at a senior level at workplace from 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 from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

• At least half of the total nominated members shall be women.

Please refer annexure 1 for Internal Complaints Committee

8.2 The Complaints Committee is responsible for:

• Addressing every formal written complaint of sexual harassment.

• Taking appropriate actions to respond to any substantiated allegations of sexual harassment.

• Investigating and assessing the details of the discussions with the complainant, witness & respondent.

• Recommending action based on the findings, as stated within the relevant Policy or Service Rules, which may include a warning to terminate.

• Discouraging and preventing employment-related sexual harassment.

9.Complaint filing mechanism

9.1. In case of any issues of Sexual Harassment, whether existing or perceived, either explicit or implied, the Complainant is required to report the matter within a period of 3 months from the date of the incident and in case of more than one incident, within a period of 3 months from the date of the last incident, to any of the following in the prescribed manner without any order of preference –

1) Write to the Internal Committee at the designated E-mail ID posh@shivtekspechemi.com

2) Write to any Member of the Internal Committee at their designated e-mail ID or by post

3) Call on the telephone number of Internal Committee Members

4) Write to the HR representative or approach for guidance/ support on raising of the issue Irrespective of the channel of communication, all reported matters shall be duly forwarded to the Internal Committee, within 7 days, for further action in the matter. The Complainant shall make the complaint, along with necessary facts, documentary evidences and details of witnesses, as available for a thorough and unbiased inquiry into the matter.

9.2 The Complainant shall make sure to include the following in the written complaint;

A. Date, time and location of the Incident.

B. The name of the respondent, with the designation and phone no.

C. Detailed description of the incident.

D. Names of witnesses with their phone no.

E. Procure any physical/documentary proof related to the incident.

F. Aggrieved employee shall sign the complaint letter with date.

10. Redressal process

10.1. Conciliation While an Aggrieved Person has a right to raise a Sexual Harassment issue and get the matter investigated till its resolution, if for any reason, the Aggrieved Person decides to withdraw the complaint/requests for settlement, the same shall be considered in accordance with the provisions of the law and dealt with as follows:

i. The Internal Committee may before initiating the investigation and at the request of the Aggrieved Person take steps to settle the matter between such Aggrieved Person and the Respondent through conciliation;

ii. No monetary settlement shall be made as a basis of conciliation;

iii. Where a settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same along with recommended action to the organization. No further investigation shall be conducted;

iv. The Internal Committee shall provide copies of the settlement as recorded by the Committee to the Aggrieved Person and the Respondent.

10.2. Investigation

i. Subject to the above clause 10.1.and in the event of any term or condition of the settlement not being complied with by the Respondent, issues raised under this policy shall be referred for investigation at the instance of the Internal Committee as per the protocol.

ii. The Internal Committee shall follow the principles of natural justice by adhering to the following steps in particular with regard to inquiry into the complaint:

a. At least 3 Members of the Internal Committee (including the Presiding Officer) shall preside over the inquiry.

b. On receipt of the complaint, the Internal Committee shall send a copy of the complaint to the accused within 7 working days, indicating the deadline by which a response, along with evidences and details of witnesses should be submitted.

c. The Respondent shall also be given an opportunity to be heard and make written submissions on the allegations made and circumstances leading to the complaint.

d. In case of failure on the part of the Respondent to respond to the complaint or make themselves available for the hearing, the Internal Committee at its discretion may terminate the inquiry in favor of the Aggrieved Person, after giving 15 days' notice to the parties concerned.

e. The parties shall not engage a lawyer to represent their case in proceedings before the Internal Committee.

f. At the request of the Complainant and upon the recommendation of the Internal Committee, the location of inquiry and inclusion of additional witnesses in the investigation may be considered.

iii. In the event, the victim chooses to take recourse to law, the company may at its sole discretion decide to not pursue the matter further.

iv. Investigation shall be completed within a period of ninety (90) days from the date of receipt of the complaint.

v. During the pendency of an investigation, on a written request made by the Aggrieved Person, the Internal Committee, may recommend to the Employer to–

a. transfer the Respondent / Aggrieved Person to any other Workplace;

b. grant paid leave to the Aggrieved Person of a maximum of three months, in addition to the leave Aggrieved Person would be otherwise entitled to;

c. grant such other reasonable relief to the Aggrieved Person as may be directed by the Internal Committee.

10.3. Investigation Report

The Internal Committee will submit the Investigation Report to management within a period of ten days from the date of completion of the investigation in consideration of the following –

• Nature of evidence in support of the allegation;

• Leading circumstances culminating in Sexual Harassment;

• Discrepancies, if any, in the allegations and the submission made by the victim and his/ her witnesses; • Grounds for review or counter allegations/ evidences from the accused. The Employer shall act upon the recommendations of the Internal Committee within sixty days of receipt of the final investigation report.

10.4. Appeals

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, within ninety days of the recommendations being communicated under relevant Law.

11.OTHER POINTS TO BE CONSIDERED

11.1 The Committee may recommend to the Managing Director an action which may include transfer or any of the other appropriate disciplinary action,

11.2 Shivtek Spechemi Industries ltd Management shall provide all necessary assistance for the purpose of ensuring the full, effective and speedy implementation of this policy.

11.3 Where sexual harassment occurs as a result of an act or omission by any third party or outsider, Shivtek Spechemi Industries ltd shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action,

11.4 The Committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to Director,

11.5 In case the Committee finds the degree of offence coverable under the **Bharatiya Nyaya Sanhita (BNS), 2023**, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.

11.6 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 **Bharatiya Nyaya Sanhita (BNS), 2023 section 75 of sexual harassment.**

12.1 Confidentiality

The Company understands that it is difficult for the victim to come forward and file .a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential at all times. The details of the complaint, inquiry and proceedings shall not be published, communicated or made known to other employees, press, media by the witnesses, committee, complainant and all other people involved in the case and proceedings.

12.2. Protection Against Retaliation

The organization shall not support or tolerate retaliation or victimization in any form against anybody who identifies or raises concerns, lodges complaints and /or participates in related proceedings. Any such person who engages in such retaliation or victimization whether directly or indirectly, or encourages others to do so, shall be subject to appropriate disciplinary action.

12.3. Monitoring and Evaluation.

We recognise the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

12.4. 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.

12.5 False or Malicious Complaints

In case the Committee arrives at the conclusion that the allegation was false, or false/forged evidence, misleading documents have been provided by the complainant or witness(es), appropriate disciplinary action will be taken as advised by the Committee.

13 Conclusion

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

RULES UNDER PoSH

1. Fee or Allowance for Members of Internal Committee — The member appointed form 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.

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.

Annexure I

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

NAME	**DESIGNATION**	**EMAIL ID**
Ms. Kashiish A Nenwani	Chairperson/Presiding officer	kashiish@shiva-group.com
Ms. Renu Sharma	Member	renu.sharma@shiva-group.com
Ms. Nidhi Bhargava	Independent Representative	

In order to have representation from all geographical location of Shivtek Spechemi Industries ltd in India, the following representatives are co- opted into the ICC:

SN	LOCATION	NAME OF PERSON	EMAIL.ID
1	Gurgaon	Saumya Awasthi	hr@shiva-group.com
2	Kurnool	Shaikh Sajid	sajid.shaikh@shiva-group.com
3	Dahej	Bharat Singh	bharat.singh@shiva-group.com
4	Rajpura	Mohit Bhardwaj	mohit.bhardwaj@shiva-group.com