

Prevention of Sexual Harassment at Workplace (POSH) Policy

**GREEN-ECOMES SOLUTIONS
PRIVATE LIMITED**

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH POLICY)

Introduction and Objective:

The **GREEN-ECOMES SOLUTIONS PRIVATE LIMITED** (hereinafter referred to as The Company) is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. 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 employees is a grave offence and is, therefore, punishable.

This Policy on Prevention of Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) ("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 referred to as "Act/POSH Act" and "Rules" respectively) in 2013, and with the intention of providing a sexual harassment free environment and addresses the prevention and redressal of sexual harassment at the Workplace.

The objective of this policy is to provide protection against sexual harassment to women at the workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. The Company has a Zero Tolerance Policy towards any form of Sexual Harassment at workplace.

Scope and Applicability:

The Policy is applicable to all categories of employees (as defined below) at the Workplace, irrespective of whether such persons have been engaged directly or through an agency or a contractor, and whether such employees are working for remuneration or on a voluntary basis.

The Policy shall also be applicable to all third parties such as visitors, clients, customers, contractors, service providers, and any other person authorized to be present within the premises/ workplace of the Organization.

Definitions:

- a) **"Aggrieved woman"** (hereinafter "the Complainant") means, 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.

- b) **"Employees"** 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 by any other such name.
- c) **"Employer"** means any officer or Director of the Company responsible for the formulation and administration of policies that enables management, supervision and control of the Workplace as may be designated by the Board.
- d) **"Internal Committee (IC)"** means the committee constituted by the Organization further to the Act and Rules to redress complaints of sexual harassment at the workplace. The IC is the sole inquiring authority into all complaints of sexual harassment at the workplace and a recommendatory body for disciplinary actions thereof based on the findings of the inquiries.
- e) **"Member/s"** means a member/s of the Internal Committee.
- f) **"Respondent"** means a person (Employee) against whom the Complainant has made a complaint of Sexual Harassment.
- g) **"Workplace"** includes all Company premises and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

Third Party Harassment:

Third party harassment means Sexual Harassment perpetrated by visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the Employees have come in contact, directly or indirectly, because of the Organization having a relationship/business relationship with them.

Where the Sexual Harassment at the Workplace occurs as a result of an act or omission by any third party, the Organization shall take all steps necessary and reasonable to assist the affected Employee in terms of support and preventive action.

What Amounts to Sexual Harassment?

"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), whether intentional or not, 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. Physical contact and sexual advances;
 - ii. Requests or Demand for sexual favors either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;

- iv. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, talking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals' sensibilities and affect her performance;
 - v. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - vi. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vii. Giving gifts or leaving objects that are sexually suggestive;
 - viii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - ix. Persistent watching, following, contacting of a person;
 - x. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex; and
 - xi. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- b) The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:
- i. Implied or explicit promise of preferential treatment in employment;
 - ii. Implied or explicit threat of detrimental treatment in employment;
 - iii. Implied or explicit threat about the present or future employment status;
 - iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - v. Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not 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.

Internal Committee (IC)/Posh Committee:

- a) To inquire and advice suitable action on the complaints on Sexual Harassment, there shall be a Committee called as "Internal Committee (IC)". The Committee shall be constituted by the Employer as defined above with the following members:
- i. A Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees. In case of non-availability of senior level woman employee, the Presiding Officer shall be nominated from administrative units of the work place;

- ii. Not less than two (2) Members from amongst employees of the Company preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- iii. 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.

Provided that at least one-half of the total Members so nominated shall be women.

- b) Every complaint received shall be forwarded to the IC for investigation, inquiry.
- c) Details of IC have been shared in **Annexure I** (as may be updated by the Company from time to time). The Company shall also regularly and promptly notify to all employees any changes in the constitution of the IC, or to the contact details of the members of the IC.
- d) The Presiding Officer and every Member of the IC shall hold office for a period not exceeding (3) three years from the date of nomination. While re-constituting the IC, the Employer may nominate either new members or existing members, as deemed fit. On the expiry of the three years period, the exiting members of the Internal Committee will continue to hold office, till new Internal Committee is constituted/reconstituted by extension of term of existing members. If a member of the Internal Committee who is an employee of the company and when she/he ceases to be an employee of the company then she/he will also cease to be member of the Internal Committee and internal Committee may be reconstituted therein to appoint another member in place of resigning member.
- e) A quorum of 3 (three) members is required to be present for the proceedings to take place. The quorum shall mandatorily include the Chairperson and other two members.
- f) The IC will be responsible for:
 - a. Receiving complaints of sexual harassment at the workplace;
 - b. Initiating and conducting inquiry as per the established procedure;
 - c. Submitting findings and recommendations of inquiries;
 - d. Coordinating with the employer in implementing appropriate action;
 - e. Maintaining strict confidentiality throughout the process as per established guidelines; and
 - f. Submitting annual reports in the prescribed format.

Complaint of Sexual Harassment:

- a) The complainant needs to submit a detailed complaint, along with documentary evidence available, if any, or names of witnesses, to any of the committee members at the workplace.

- b) 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 Committee shall render all reasonable assistance to the women for making the complaint in writing.

- c) Where the aggrieved employee is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, (a) legal heir or friend; or (b) coworker; or (c) an officer of the National Commission for Women or State Women's Commission; or (d) any person who has knowledge of the incident, with a written consent of the aggrieved women; may make a complaint.

Conciliation:

- a) The Internal Committee may, before initiating an inquiry and at the request of the Complainant take steps to settle the matter between her and the respondent through conciliation as stated under Section 10 of the POSH Act. However, no monetary settlement shall be made as a basis of such conciliation.
- b) The IC shall then record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.
- c) The IC shall provide the copies of the settlement to the Complainant and the Respondent.
- d) Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the IC.

Inquiry into Complaint:

- a) The committee initiates inquiry in the following cases:
 - i. No conciliation is requested by aggrieved woman;
 - ii. Conciliation has not resulted in any settlement;
 - iii. The Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.
- b) For the purpose of making an inquiry, the Internal Committee shall have the same powers as are vested in a civil court [the Code of Civil Procedure, 1908 (5 of 1908)], when trying a suit in respect of the following matters, namely:— (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of documents; and (c) any other matter which may be prescribed under POSH Act.

- c) During the pendency of an Inquiry, on a written request made by the Complainant, the Internal Committee may recommend interim relief to the Employer to:
 - i. Transfer the Complainant or person accused to any other location of work.
 - ii. Grant leave to the Complainant up to the period of 3 months (over and above the entitled Leave).
 - iii. Prevent the respondent from assessing complainant's work performance; or
 - iv. Grant such other relief to the Complainant as may be prescribed.

On the recommendation of the Internal Committee, the employer shall implement the interim relief recommendations and send the report of such implementation to the Internal Committee.

- d) IC shall give equal opportunity of being heard to both the parties.
- e) The IC may terminate the inquiry proceedings or decide ex-parte on the Complaint, if the Complainant or the Respondent does not, without sufficient cause, present himself/herself for three consecutive hearings convened by the IC.

Inquiry Procedure:

- a) The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the IC along with supporting documents and names and address of witnesses.
- b) One copy of the complaint to be sent to Respondent, after receipt of the complaint, within 7 (seven) working days by the IC.
- c) The Respondent shall file his/her reply within 10 (ten) working days from the date of receipt of the complaint with his/her list of documents and the list of witnesses.
- d) No legal practitioner is allowed to be brought by the parties to represent them in their case at any stage of the proceedings before the IC.
- e) For conducting the enquiry, the quorum of the IC meetings shall be of 3 members including the presiding officer.
- f) The IC shall investigate the complaint in detail by giving reasonable opportunities for both the parties. Rules of Principle of natural justice shall be followed by IC in inquiry proceedings.
- g) During the enquiry process, the Complainant and the Respondent shall refrain from any form of threat, intimidation or influencing of Witnesses.

- h) The Committee shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- i) The IC shall complete the inquiry within a period of ninety (90) days and communicate its findings and its recommendations for action to the Company's management in a report, within ten (10) days of completing the inquiry. A copy of the report shall also be made available to the Complainant and the Respondent.
- j) The Employer shall act upon the recommendation within sixty days of the receipt of the findings report.
- k) If the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken.

Consequences of Violation of the Policy:

- a) Any person found guilty of violating this Policy as substantiated by data and facts, will be subject to any of the below mentioned disciplinary action, leading upto and including termination of services, based on severity of case.
 - i. Written apology
 - ii. Warning
 - iii. Reprimand or censure
 - iv. With-holding of promotion
 - v. With-holding of pay rise or increments
 - vi. Terminating of service
 - vii. Undergoing a counselling session
 - viii. Suspension
- b) 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 behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.
- c) In case the IC 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 employer, for making a Police Complaint. 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.

Punishment for False or Malicious Complaint and False Evidence:

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 through a separate inquiry.

Protection Against Retaliation:

- a) Retaliation is a serious violation of this Policy and any person found to have retaliated against an individual for reporting harassment will be subject to appropriate disciplinary procedures. The Company forbids any form of retaliation against anyone who has reported a suspected episode of Sexual Harassment or has cooperated in any investigation involving a reported case.
- b) If anyone feels that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to the Manager/HR/ IC immediately. If reported to the Manager/ HR, the Manager/ HR shall inform the IC immediately.
- c) As with complaints of Sexual Harassment, this too will be treated as misconduct and the Company will take appropriate action to prevent/rectify the retaliation. Any form of retaliation will be treated as seriously as an alleged case of Sexual Harassment and the same procedure will apply even if the original complaint is not proven.

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.

Where any Employee who is part of the proceedings of the complaint as a witness, Complainant and/or Respondent violates the confidentiality provisions of this Policy, he/she shall be subject to appropriate disciplinary action.

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, within 90 days of the recommendations being communicated.

Miscellaneous:

- a) All employees at the Company have a responsibility in contributing to a mature and respectful work environment. All employees are personally responsible for their actions and must ensure that their behaviour does not constitute Sexual Harassment whether it happens deliberately or inadvertently.
- b) The Company reserves the right to modify and amend the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the organization from time to time.
