



# **POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORKPLACE**

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## 1. INTRODUCTION

Techno Electric Engg. Co. Ltd, recognizes the right of every women employee to be able to attend work and to perform their duties without being subjected to any form of sexual harassment.

Techno Electric 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. Any person found to have sexually harassed another will face disciplinary action based on the outcome of investigation and complaint committee recommendation.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

It is also the obligation and responsibility Of every employee to ensure that the workplace is free from sexual harassment.

Techno Electric reserves right to amend, abrogate, modify, & / or rescind the policy or any part of it at any time,

## 2. THE LAW

Prevention of Sexual Harassment (POSH) at Workplace is meant to serve as guidelines for the employees of Techno Electric, subject to the provision of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

The Act derives from Article 14, 15 and 21 of the Constitution of India providing fundamental rights of women to equality and her right to live with dignity.

This Act came into force by the Government of India in 2013, notifying the protection available to women employees against sexual harassment and aspires to ensure women's right to workplace equality and free from sexual harassment through compliance with Prevention, Prohibition and Redressal.

## 3. PURPOSE

The purpose of this document is to outline Techno's position on prevention of sexual harassment and to document the process which is to be followed if any grievances arise.

## 4. DEFINITION

**Sexual harassment** means any unwelcome sexual advance, request for sexual favours, or other conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.

**Aggrieved Woman** means a female Employee who has experienced or has been subjected to any act of Sexual Harassment by another Employee or a third party.

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**Complaint** means a complaint of Sexual Harassment lodged with the Internal Complaints Committee.

**Complainant** means an Aggrieved woman who lodges a Complaint to the Internal Complaints Committee Employees means persons employed by the company on regular, temporary/contractual probation/trainee.

**Internal Complaints Committee** means the Internal Committee constituted by Techno Electric in accordance with the provisions of the Act 2013 for Redressal of a Complaint.

**Respondent** means a person against whom a Complaint is made by an Aggrieved Woman.

## **5. BEHAVIORS AND SCENARIOS THAT CONSTITUTE SEXUAL HARASSMENT**

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical verbal and non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

### **A. Some examples of behaviour that constitute sexual harassment at the workplace:**

1. Making sexually suggestive remarks or innuendos.
2. Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
3. Offensive comments or jokes.
4. Inappropriate questions, suggestions or remarks about a person's sex life.
5. Displaying sexist or other offensive pictures, posters, mms, SMS, Whatsapp, or e-mails.
6. Intimidation, threats, blackmail around sexual favours.
7. Threats, intimidation or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones.
8. Unwelcome social invitations, with sexual overtones commonly understood as flirting.
9. Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit.
10. Physical contact such as touching or pinching.
11. Caressing, kissing or fondling someone against her will (could be considered assault).
12. Invasion of personal space (getting too close for no reason, brushing against or cornering someone).
13. Persistently asking someone out, despite being turned down.
14. Stalking an individual.
15. Abuse of authority or power to threaten a person's job or undermine her performance against sexual favours.
16. Falsely accusing and undermining a person behind closed doors for sexual favours.
17. Controlling a person's reputation by rumour-mongering about her private life.

B. Some examples of behaviour that may indicate underlying workplace sexual harassment and merit inquiry:

1. Criticizing, insulting, blaming, reprimanding or condemning an employee in public.
2. Exclusion from group activities or assignments without a valid reason.
3. Statements damaging a person's reputation or career.
4. Removing areas of responsibility, unjustifiably.
5. Inappropriately giving too little or too much work.
6. Constantly overruling authority without just cause.
7. Unjustifiably monitoring everything that is done.
8. Blaming an individual constantly for errors without just cause.
9. Repeatedly singling out an employee by assigning her with demeaning and belittling jobs that are not part of her regular duties
10. Insults or humiliations, repeated attempts to exclude or isolate a person.
11. Systematically interfering with normal work conditions, sabotaging places or instruments of work.
12. Humiliating a person in front of colleagues, engaging in smear campaigns.
13. Arbitrarily taking disciplinary action against an employee.
14. Controlling the person by withholding resources (time, budget, autonomy, and training) necessary to succeed.

C. Forms of Workplace Sexual Harassment:

Generally, workplace sexual harassment refers to two common forms of inappropriate behaviour:

- Quid Pro Quo (literally 'this for that'):
  - Implied or explicit promise of preferential/detrimental treatment in employment
  - Implied or express threat about her present or future employment status
- Hostile Work Environment
  - Creating a hostile, intimidating or an offensive work environment
  - Humiliating treatment likely to affect her health or safety

D. Some examples Of workplace behaviours that may not constitute sexual harassment:

1. Following-up on work absences.
2. Requiring performance to job standards.
3. The normal exercise of management rights.
4. Work-related stress e.g. meeting deadlines or quality standards.
5. Conditions of works.
6. Constructive feedback about the work mistake and not the person.

Behaviors, which is based on mutual attraction, friendship and respect is not considered sexual harassment.

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## **6. SCOPE OF THE POLICY**

This policy is introduced as Prevention of Sexual Harassment (POSH) at Workplaces of Techno Electric & Engineering Company Ltd.

The policy reiterates the commitment of the organization to create and maintain an environment in which the employees can work together with free of all forms of sexual harassment

The company will not tolerate sexual harassment under any circumstances. Responsibility lies with every employee irrespective of the position to ensure that sexual harassment does not occur.

This policy applies to all categories of employees of the Company, including permanent, temporaries, trainees and employees on contract at their workplace or at client sites,

The workplace includes:

- Corporate office and all other offices where the Company's business is being conducted.
- All company-related activities performed at any project site away from the Company's corporate office.
- Any social, business or other functions where the conduct or comments may have an adverse impact on companys reputation.
- A violation of this policy will result in disciplinary action, up to and including termination of employment.

## **7. COMPLAINT MECHANISM**

An appropriate complaint mechanism in the form of Internal Complaints Committee (ICC) has been created in the Company for time-bound redresses of the complaint made by the aggrieved woman.

The company strongly encourages any woman employee who feels they have been sexually harassed and to take immediate action can lodge the complaint through this established mechanism.

## **8. COMPLAINTS COMMITTEE:**

The Company has instituted a Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment Of such complaints. Initially, and till further notice, the Complaints Committee will have four members out of which 50% must have women representation.

1. Avantika Gupta, Director - Chairperson of the committee
2. Ramesh Chandra Agrawal, Executive Director - Member
3. Moumita Som, Dy. Manager HR- Member
4. Ajay Agarwal, External Member (Familiar with the issue of Sexual Harassment)

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Disciplinary action may be taken against anyone who victimizes or retaliates against a person who has complained of sexual harassment, or against any employee who has been alleged to be a harasser.

Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

## **9. REDRESSAL MECHANISM**

The Company is committed for providing a supportive environment to resolve concerns of sexual harassment as under:

### **A. Informal Resolution Options**

If the complainant chooses to adopt the informal process to resolve her complaint/experience of workplace sexual harassment, then it is the responsibility of the person designated to receive and manage the Complaints Committee to explore enabling ways to address the complaint. This can include counselling, educating, orienting, or warning the respondent to promptly stop the unwelcome behaviour or appointing a neutral person to act as a conciliator between the parties to resolve the complaint through conciliation.

However, before recommending conciliation, the Committee must assess the severity of the situation and if necessary, advise and enable the complainant to opt for the formal route. At no point, the Complaints Committee will advise the complainant to resolve the matter directly with the respondent. Where such an informal process is successful, such resolution is to be recorded by the conciliator and forwarded to the Internal Complaint Committee for further action based on the resolution. Complaint Committee is responsible for taking steps to ensure that the complainant is not subject to any backlash.

The choice of a formal process rests with the complainant even if the person responsible for managing the complaint believes that this can be resolved through an informal process.

When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Complaints Committee for redressal of their grievances. The Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

### **B. Formal Complaints Mechanism**

An employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to Chairperson of Complaint committee.

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The complaint shall have to be in writing and sent to Chairperson of Complaint Committee in a sealed envelope. Alternately, the employee can send complaint through email [avantika.gupta@techno.co.in](mailto:avantika.gupta@techno.co.in)

The written complaint should contain a description of each incident(s) and include relevant date(s), timings and locations, name of the respondent and working relationship between the parties.

The employee is also required to disclose her name, contact number, division, department and location of workplace to enable the Chairperson to contact the employee and take the matter forward,

In case an aggrieved woman is unable to make a Complaint on account of her physical incapacity, a Complaint may be filed by:

- a. Her relative or friend or
- b. Her co-worker or
- c. An officer of the National Commission for Women or State Commission for Women or
- d. Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.

In case the aggrieved woman is unable to make a Complaint on account of her mental incapacity, a Complaint may be filed by:

- a. Her relative or friend or
- b. A special educator or
- c. A qualified psychiatrist or psychologist or
- d. The guardian or authority under whose care she is receiving treatment or care or
- e. Any person with knowledge of the incident, jointly with any person mentioned above

#### Respondent and Response

Within seven days of receiving a complaint, the Complaints Committee will inform the respondent in writing that a complaint has been received.

The respondent will have an opportunity to respond to the complaint in writing within ten days thereafter.

#### **10. PROCEDURE FOR RESOLUTION, SETTLEMENT OR PROSECUTION**

On receipt of the complaint, the Complaint Committee will proceed to determine whether the allegations made in the complaint falls within the definition of Sexual Harassment set out in the relevant Act/Rules/Policy

In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Chairperson of Complaint Committee will record this finding with reasons and communicate the same to the complainant.

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If the Complaint Committee convinced that the allegations constitute an act of sexual harassment, then the committee will proceed to investigate the allegation made by the complainant.

The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Managing Director as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint.

The Complaint Committee to ensure the following procedures while carrying out the investigation:

- Interview the complainant and the alleged harasser separately
- Interview other third party/witness (if named by complainant) separately
- Identify the substance of each aspect of the complaint
- Determine whether or not, on a balance of probability, the unwelcome incident(s) of sexual harassment took place
- Record statements and have them dated and signed
- Produce a report detailing the investigations, findings and any recommendations
- Review and investigate the incident as needed.
- Analyse all the facts to develop reasoning.
- Proceed with if the harassment took place, decide what the appropriate remedy for the victim is, this can be in consultation with the complainant.
- Give recommendation.
- Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome.
- Ensure to keep a record of all actions taken.
- Ensure that the all records concerning the matter are kept confidential.

## **11. REPORT**

The complaint Committee will prepare a final report after the investigation and contains the following elements:

- A description of the different aspects of the complaint
- A description of the process followed
- A description of the background information and documents that support or refute each aspect of the complaint.
- An analysis of the information obtained.
- Findings as stated above

Recommendations may include any of the following:

- i) Disciplinary action, including a written apology, reprimand, warning, censure to the perpetrator and a copy of it maintained in the employee's personal file
- ii) Withholding promotion/ pay raise/ increment
- iii) Suspension or Termination
- iv) Counselling

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- v. Written warning to the perpetrator and a copy of it maintained in the employee's file
- vi. Change of work assignment / transfer for either the perpetrator or the victim.
- vii. The Com plaints Committee may also recommend financial damages to the complainant, while deciding the amount they shall take into consideration:
  - Mental trauma, pain, suffering and emotional distress caused
  - Medical expenses incurred
  - Loss of career opportunity
  - Income and financial status of the respondent

## **12. FALSE COMPLAIN**

In case the complaint is found to be false, the Complainant shall be liable for appropriate disciplinary action by the Management based on the recommendation of Internal Complaint Committee

## **13. RESPONSIBILITIES**

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

It is also the responsibility of the Complaint Committee Chairperson and Members to ensure reasonable steps are being made to eliminate sexual harassment.

- Ensure that employees understand what constitutes an act of sexual harassment.
- All employees are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment.
- Provide an environment which discourages harassment and victimization
- Immediate and appropriate corrective and preventive action is taken, if any offensive act is reported.
- Regular guidance and education is provided to employees regarding sexual harassment and inappropriate behavior in the workplace;
- Managers are aware of their obligations and responsibilities in relation to sexual harassment, Ongoing support and guidance is provided to all employees in relation to the prevention of sexual harassment.

## 14. TIMELINES

Submission of Complaint	Within 3 months of last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of inquiry	Within 90 days
Submission of report by ICC to MD	Within 10 days of completion of inquiry
Implementation Of Recommendations	Within 60 days
Appeal	Within 90 days of the recommendations

## 15. CONFIDENTIALITY

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

All records of inquiry proceedings, including contents of complaint, identity and address of complainant, respondent and witness, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

Records are to be kept/filed in a confidential and secure place by Internal Complaint Committee. Under no circumstances the records be placed on the complainant's personnel file.

## 16. PROTECTION TO COMPLAINANT

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.

The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

## 17. ANNUAL REPORT

An annual Report will be prepared on 31st March of every year on Sexual Harassment Findings and the report must include the followings:

- No. of complaint received
- No. of complaint disposed of
- No. cases pending for more than 90 days
- No. of workshops/awareness programs carried out
- Nature of action taken

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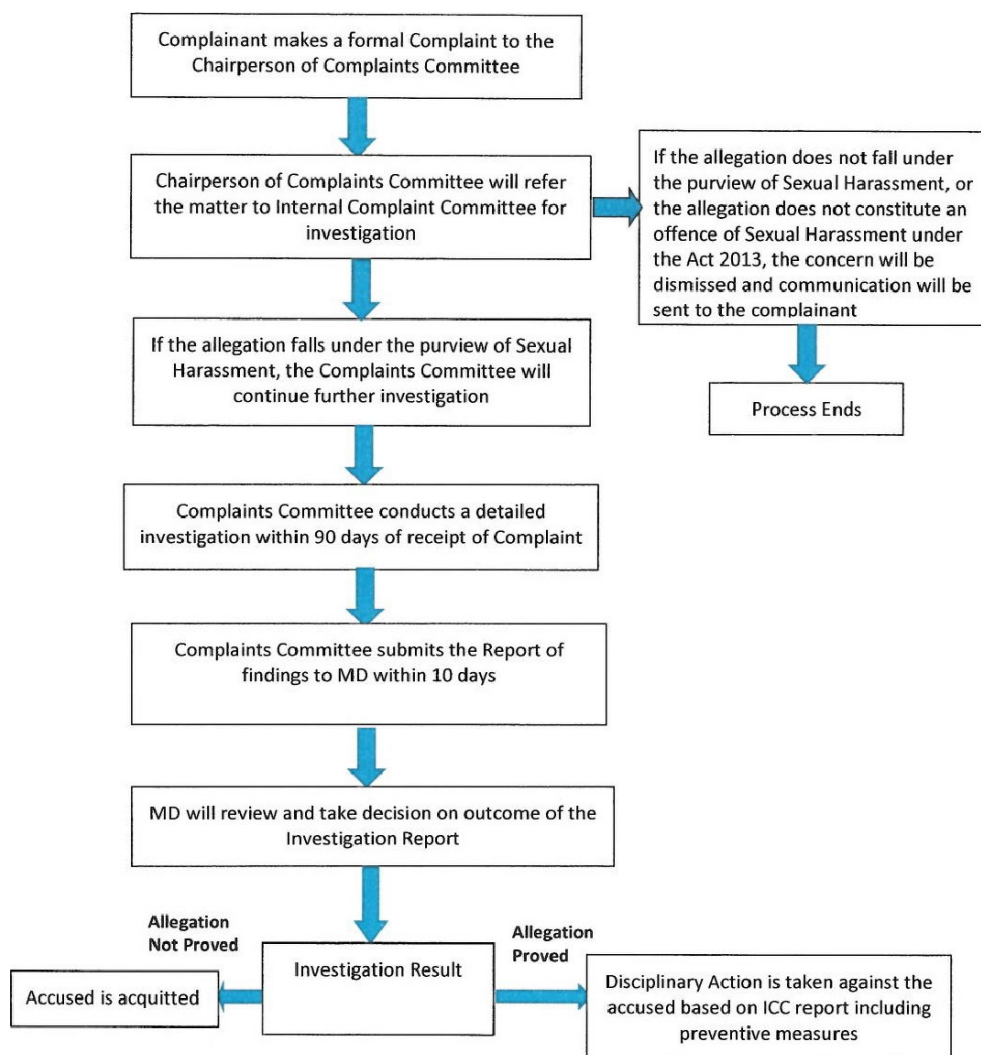
## 18. CONCLUSION

In conclusion, Techno Electric reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with Dignity and Respect.

The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employees.

The identity and address of the aggrieved woman, respondent and witnesses shall not be published or disclosed to the public or media.

### THE PROCESS FLOW:-



Date: 18<sup>th</sup> May 2023

Mr. Ajay Khajuria  
Head of HR

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