

## SPENTA INTERNATIONAL LIMITED

### POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN (POSH)

*(Approved by the Board in the meeting of the Board of Directors held on February 11, 2022)*

#### I. PROLOGUE :

At Spenta, 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 behaviour that has sexual connotation (of sexual nature)
- Refrain from creating hostile atmosphere at workplace via sexual harassment
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

This 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 “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

This policy provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it

#### II. DEFINITIONS

The definitions of some of the key terms used in this Policy are given below. Capitalized terms not defined herein shall have the meaning assigned to them under the Code

- i. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

1. 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:

- a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
  - b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
  - c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will
  - d. Demand or request for sexual favors
  - e. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
  - f. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas.
  - g. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
  - h. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
  - i. Giving gifts or leaving objects that are sexually suggestive
  - j. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and
  - k. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
2. The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
- a. Implied or explicit promise of preferential treatment in employment;
  - b. Implied or explicit threat of detrimental treatment in employment;
  - c. Implied or explicit threat about the present or future employment status;
  - d. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
  - e. Humiliating treatment likely to affect health or safety.

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

- ii. **Aggrieved woman:** 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.
- iii. **Complainant:** Any aggrieved woman who makes a complaint alleging sexual harassment under this policy

- iv. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy
- v. **Employee:** 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 called by any other such name.
- vi. **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.
- vii. **Workplace:**
  - o Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company.
  - o Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.
- **Employer:** A person responsible for management, supervision and control of the workplace

### III. ROLES AND RESPONSIBILITIES

**Responsibilities of Individual:** It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a) Refusing to participate in any activity which constitutes harassment
- b) Supporting the person to reject unwelcome behavior
- c) Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

### IV. REDRESSAL MECHANISM – FORMAL INTERVENTION

In compliance with the Act, if the aggrieved woman warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

## V. **INTERNAL COMPLAINTS COMMITTEE / ANTI SEXUAL HARASSMENT COMMITTEE (HENCEFORTH KNOWN AS ‘COMMITTEE’)**

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committees (IC) / Anti Sexual Harassment Committee have been appointed for all administrative units / offices of the company. The detail of the committee is notified to all covered persons at the location (workplace).

### **The committee comprises of:**

1. Presiding Officer: A woman employed at a senior level in the organization or workplace
2. At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge
3. One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
4. Factory Manager or such other person as deemed to be appropriate
5. At least one half of the total members nominated being women

The committee will be responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries
4. Coordinating with the employer in implementing appropriate action
5. Maintaining strict confidentiality throughout the process as per established guidelines
6. Submitting annual reports in the prescribed format
7. Implementation of Posh Policy

## VI. **LODGING A COMPLAINT**

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

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 Complaint Committee shall render all reasonable assistance to the woman for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint on account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately. Wherever possible the committee to ensure that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

## **VII. RECEIVING A COMPLAINT (GUIDELINES)**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are to be kept in mind by the receiver of the complaint:

- Complainants are listened to and the complainant is informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situations are not to be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, are used. Clear description of the incident is prepared in simple and direct terms and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's consent is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

## **VIII. RESOLUTION PROCEDURE THROUGH CONCILIATION**

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. **This is only if requested by the aggrieved woman.**

However, Internal Complaints Committee shall ensure that:

- a. Monetary settlement will not be made as a basis of conciliation.
- b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and both parties shall be provided with a copy of it.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

#### **IX. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY – CONDUCTING INQUIRY**

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/ closure of conciliation/ repeat complaint.

#### **X. MANNER OF INQUIRY INTO COMPLAINT:**

- Complainant should submit the complaint along with supporting documents, if any and the names of the witnesses, if any
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer should be present.

#### **XI. INTERIM RELIEF**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

#### **XII. TERMINATION OF INQUIRY**

Internal Complaints Committee at Spenta International Limited may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day's written notice to be given to the party, before termination or ex-parte order.

### **XIII. INQUIRY PROCEDURE**

All proceedings of the inquiry are documented. The Internal Complaints Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Internal Complaints Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

The Internal Complaints Committee must complete its investigation within a period of 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

### **XIV. CONSIDERATIONS WHILE PREPARING INQUIRY REPORT**

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard

A copy of the proceedings were made available to both parties enabling them to make representation against the findings A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

### **XV. ACTION TO BE TAKEN AFTER INQUIRY**

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

The findings and recommendations are reached from the facts established and are recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at Spenta International Limited may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

## **XVI. COMPLAINT UNSUBSTANTIATED**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

## **XVII. COMPLAINT SUBSTANTIATED**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- a) Counseling
- b) Censure or reprimand
- c) Apology to be tendered by respondent
- d) Written warning
- e) Withholding promotion and/or increments
- f) Rescinding of bonus,
- g) Transfer from present location
- h) Suspension
- i) Termination
- j) Legal action under the Criminal Code
- k) Or any other action that the Management may deem fit.

The employer at Spenta International Limited shall act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR dept.

## **XVIII. PENAL CONSEQUENCES OF SEXUAL HARASSMENT**

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 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.

## **XIX. MALICIOUS ALLEGATIONS**

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.



**XX. 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.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

**XXI. 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.

**XXII. AWARENESS**

Awareness sessions are to be organized to:

- 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 women.
- Carry out orientation programs and seminars for the Members of the IC.
- Conduct capacity building and skill building programs for the Members of the IC.
- Declare the names and contact details of all the Members of the IC.
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

**XXIII. LEGAL COMPLIANCE**

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- Number of complaints of Sexual harassment received in the year
- Number of complaints disposed of during the year
- Number of cases pending for more than 90 days
- Number of workshops or awareness program against Sexual Harassment carried out
- Nature of action taken by the employer or District Officer

**XXIV. AMENDMENT**

The Company reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever. The revised Policy shall be uploaded on the Company's website as and when amended.

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