

Prevention of Sexual Harassment (POSH)



1. Objective

Define the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. For any doubt or further clarification, reference be made to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) and its Rules.

2. Applicability

This Policy is applicable to –

- I. Persons employed at the workplace by the Employer for any work on a 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, working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, probationer, trainee, apprentice or called by any other such name and; It also applies to any aggrieved woman at the workplace who alleges to have been subjected to sexual harassment ('Complainant').
- II. This policy shall also apply to acts of sexual harassment committed by or against third parties such as clients, vendors, contractors, visitors, and any person connected to the Employer through business relations, when such acts occur at the workplace or in connection with official duties.

3. Introduction

Company name (hereinafter referred to as "Employer") is committed to maintaining an environment where all women, enjoy a safe, friendly and supportive working environment, free of harassment and exploitation. Sexual harassment (as defined below) and abuse damages both individual and organizational health.

In view of the aforesaid, and in light of the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act"), the objective of this Policy is to:

1. Provide protection against sexual harassment of women at workplace ; and
2. Prevention and redressal of Complaints(as defined below) of sexual harassment

The terms of this Policy should be read in conjunction with the Act and the Rules framed there under. In case of any inconsistency between this Policy and the Act/Rules, then the Act/Rules (as amended and modified from time to time) shall prevail. Every employee should be aware that the Employer

is strongly opposed to sexual harassment and such behaviour is prohibited. Violation of this Policy will not be permitted and will result in disciplinary action, including termination of services.

4. Definitions

- A. Sexual Harassment:** Sexual Harassment may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person. But also, between co-workers. It may also occur between the company's employee and someone that the employee deals within the course of his/her work who is not employed by the company. It also includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
- a) Physical contact and advances; or
 - b) A demand or request for sexual favours, such as seeking sexual favours or advances in exchange for work benefits or refusal to comply with a 'request' is met with retaliatory action such as dismissal, demotion, difficult work conditions; or
 - c) Sexually coloured remarks; or
 - d) Showing pornography; or
 - e) Entry into a private place marked for any person, with the intent to commit mischief and harassment; or
 - f) Taking photographs of Aggrieved Person without permission and converting it into pornographic material and/or circulating the same by means of electronic media; or
 - g) Any other unwelcomed physical, verbal or non-verbal conduct of sexual nature; including eve-teasing, gender-based insults or sexist remarks, unwelcome sexual overtone in any manner, like obnoxious telephone calls, touching or brushing against any part of the body, displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings, forcible physical touch or molestation.
 - h) 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: -
 - i. Implied or explicit promise of preferential treatment in his/her employment, or
 - ii. Implied or explicit threat of detrimental treatment in his/her employment; or
 - iii. Implied or explicit threat about his/her present or future employment status; or
 - iv. Interference with his/her work or creating an intimidating or offensive or hostile work environment for them; or
 - v. Humiliating treatment likely to affect his/her health or safety.
 - i) Sexual Harassment shall also include such unwelcome sexually determined behaviour by any person either individually or in association with other persons or by any person in authority whether directly or by implication which amounts to offence defined in the Bhartiya Nyaya Sanhita.



*Prevention from Sexual Harassment Policy
For Eastman Auto & Power Ltd*

- B. Aggrieved Person:** In relation to a Workplace, any person, of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent and includes contractual temporary visitors as well.
- C. Respondent:** An employee against whom a complaint of Sexual Harassment has been made by the Aggrieved Person.
- D. Employee:** A person employed at the Workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or indirectly with or without the knowledge of the principal Employer (Eastman Auto & Power Limited), whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, probationer, trainee, apprentice or called by any other such name.
- E. Workplace:** In addition to place of work (Head office, Branch offices, Factories, etc), it shall also include any place where the Aggrieved Person or the Respondent visits in connection with his/her work, during the course of and/or arising out of employment/contract/ engagement with the Employer, including transportation provided for undertaking such journey.

5. If you are being Harassed

1. Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a Complaint, but a record can strengthen your case and helps you remember the details over time, in case the Complaint is not filed immediately.
2. May try telling the harasser that his behaviour is unwelcome and ask him to stop
3. File a Complaint as soon as possible and, report the abuse to the Internal Complaints Committee formed for this purpose

6. Constitution of Internal Complaints Committee and its meetings

The Internal Complaints Committee (ICC) shall have a tenure of three (3) years, after which it shall be reconstituted as per law. A Committee known as the "Internal Complaints Committee" ("ICC") for FY 2025-28 has been constituted. Details of Nominated Members has been provided in the Annexure attached in the Policy.

Meetings of the ICC to be held:

- a. Every quarter
- b. Within 7 (seven) days from receipt of Complaint

- c. Such other special meetings to address the Complaints pertaining to sexual harassment of the female employees

7. Filing Complaint with ICC

The Complainant must file the Complaint with ICC subject to such amendments/modifications as per applicable laws within a time period of **three (3) months** from the date of Incident (In case of recurring Events, within three (3) months from the date of last incident).

The ICC may, for reasons recorded in writing, extend the time limit for filing a complaint by a further period not exceeding three months if it is satisfied that circumstances prevented the Complainant from filing the complaint within the prescribed period.

All employees shall address any sexual harassment complaints only to the ICC and not to talk or disclose information on the case to anybody else except to persons permitted to make a complaint on behalf of the Complainant as set out in this policy.

8. Settlement of Complaint

- a. Before initiating an inquiry on the Complaint, ICC may at the request of the Complainant take steps to settle the matter between her and the Respondent through conciliation, provided that monetary settlement shall not be made a basis of conciliation.
- b. If a settlement has been arrived at, the ICC shall :-
 - i. Record the settlement and forward the same to the Employer to take action as specified in the recommendation; and
 - ii. Provide copies of the settlement as recorded to the Complainant and the Respondent and no further inquiry shall be conducted by the ICC

9. Termination of Inquiry / Ex-prate order

The ICC shall, after giving prior fifteen days' notice in writing to the concerned party, have the right to terminate the inquiry proceedings or pass an ex-prate decision on the Complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive meetings of the convened by the Chairperson.

10. Inquiry of Complaint by ICC

- a) In case no conciliation has been arrived at or the terms of conciliation are not complied with, then at the request of the Complainant (where the Respondent is an employee), the ICC shall proceed to make an inquiry into the Complaint in accordance with the provisions of the service rules applicable to the Respondent or in accordance with the Rules formulated under the Act.
- b) During the course of inquiry:
 - i. Where both the Complainant and the Respondent are employees, both the parties shall be given an opportunity of being heard;
 - ii. A copy of the findings shall be made available to both the parties enabling them to make representation against the findings before ICC;

- iii. Both the Complainant and the Respondent will be interviewed, and also such individuals who may be able to provide relevant information;
- iv. ICC shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 namely summoning and enforcing attendance of any person and examining him on oath and requiring the discovery and production of documents.
- v. ICC shall make inquiry into the complaint in accordance with the principles of natural justice
- c) The inquiry shall be completed within a period of ninety days
- d) The parties shall not be permitted to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- e) In conducting the inquiry, a minimum of three members of the ICC including the Chairperson shall be present.

11. Action Pending Inquiry by ICC

During the pendency of an inquiry, on a written request made by the Complainant, ICC may recommend to the Employer to:

- a. Transfer the Complainant or the Respondent to any other workplace; or
- b. Grant leave to the Complainant upto a period of three months (this leave shall be in addition to the leave she would be otherwise entitled); or
- c. Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report and assign the same to another officer.

On the receipt of recommendation from ICC, the Employer shall promptly implement the recommendations made and send the report of such implementation to ICC.

12. Completion of Inquiry by ICC

On completion of the inquiry proceedings:

- A. ICC shall provide a report of its findings to the Employer, within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- B. Where ICC arrives at a conclusion that the allegation against the Respondent has not been proved, it shall recommend the Employer that no action is required to be taken in the matter.
- C. Where ICC arrives at a conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer :
 - a) To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent or, in the following manner including:
 - i. Written apology
 - ii. Warning
 - iii. Reprimand or censure
 - iv. Withholding of promotion

- v. Postponement or withholding or stoppage of increment, performance related pay or promotion or pay rise
- vi. Demotion to a lower post or grade or to a lower stage in his incremental scale
- vii. Suspension
- viii. Termination of services
- ix. Undergoing a counselling session
- x. Carrying out community service to deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or the wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to her legal heirs.

For the purpose of determining the sums to be paid to the Complainant, ICC shall have regard to -

- a. The mental trauma, pain, suffering and emotional distress caused to the Complainant
 - b. The loss in the career opportunity due to the incident of sexual harassment
 - c. Medical expenses incurred by the Complainant for physical or psychiatric treatment
 - d. The income and financial status of the Respondent
 - e. Feasibility of such payment in lump sum or in instalments
- b) In case Employer is unable to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct the Respondent to pay such sums to the Complainant. Further, in case Respondent fails to pay such sums, ICC may forward the order for recovery of the sum as arrears of land revenue to the concerned District Officer.
- c) To take disciplinary action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent.
- d) Where ICC arrives at a conclusion that during an inquiry, any witness has given false evidence or produced any forged or misleading document, it may recommend to the Employer of the witness, to take action

13. Action by Employer on Recommendation Made by ICC on Conclusion of Inquiry

The Employer shall act on the recommendation made by ICC **within sixty days** of its receipt.

14. Protection Against Retaliation

Regardless of the outcome of the Complaint made in good faith, the Complainant and any person providing information or any witness, will be protected from any form of retaliation. While dealing with Complaints of sexual harassment, ICC shall ensure that the Complainant or the witness(es) are not victimized or discriminated against by the Respondent. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the Respondent against the Complainant while the inquiry is in progress should be reported by the Complainant to ICC as soon as possible. Disciplinary action will be taken by ICC against any such complaints which are found genuine.

15. Malicious Complaint

If ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the Complaint knowing it to be false or has produced forged or misleading documents, it may recommend to the Employer, to take action against the Complainant in accordance with the provisions of the service rules as applicable. However, failure/ inability to substantiate /prove a claim of sexual harassment does not constitute proof of a false and / or malicious accusation. Malicious intent on the part of the Complainant shall be established after an inquiry, before any action is recommended.

16. Confidentiality

1. It shall be the duty of all the persons including members of ICC involved to ensure that the Complaint, identity and addresses of the Complainant, Respondent, witnesses, any information relating to conciliation and inquiry proceedings, recommendations of ICC and/or action taken by the Employer shall not be published, communicated or made known to public, press and media in any manner and shall be strictly confidential.
2. The members of the ICC and the Employer shall use best endeavours to ensure to keep the investigation and disseminate information on a strict "need to know" basis. The ICC shall emphasize to all persons involved in the investigation, including the Complainant, the Respondent and witnesses, that the policy is to keep discussions strictly confidential and that disciplinary consequences may result from a breach of this confidence.
3. In any event, the ICC shall make best efforts to
 - a. Limit the number of persons who have access to the aforesaid information
 - b. Avoid needless disclosure of information to witnesses
4. However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.
5. If any person who is entrusted with the duty to handle or deal with the Complaint, inquiry or any recommendations or actions to be taken under the provisions of the Act) contravenes the aforesaid, then he/she shall be liable for penalty in accordance with the service rules or the Employer shall recover a sum of five thousand rupees as penalty from such person

17. Invitees

If the ICC considers it is necessary for achieving the objectives of the Act, the ICC may call upon persons:

1. To appear as witnesses during the inquiry proceedings to provide factual information/details regarding the Complainant, the Respondent or any other similar matter; or
2. To provide general guidance and training to the members of the ICC; or
3. To assist and advise the ICC members in conducting the investigations to the complaint, without being a part of the inquiry proceedings

However, it is pertinent to note that the inputs provided by these invitees shall not:

- a. Be binding on the members of ICC;
- b. Directly or indirectly or in any other manner, dilute and/or transfer the powers/obligations and rights of the members of the ICC as provided under the Act and/or the Rules framed thereunder.

18. Appeal

- a. Any person aggrieved on account of recommendations made by ICC or due to non-implementation of such recommendations by the Employer, may prefer an appeal to the court or tribunal in accordance with the Rules framed under the Act.
- b. The appeal shall be made within a period of ninety days of the recommendations of ICC

19. Annual Report Submission

The ICC shall prepare and submit an annual report to the District Officer designated under Section 20 of the POSH Act and a copy shall be retained by the Employer in each calendar year, which shall have the following details:

- i. Number of complaints of sexual harassment received in the year
- ii. Number of complaints disposed off during the year.
- iii. Number of cases pending for more than ninety days
- iv. Number of workshops or awareness programmes against sexual harassment carried out
- v. Nature of actions taken by the Employer

20. Employee Awareness and Training

Eastman Auto and Power Limited shall organize regular workshops, awareness sessions, and display posters at conspicuous places to ensure employees are aware of their rights, the provisions of this Policy, and ICC contact details, in accordance with Section 19(c) of the POSH Act.

21. Employer Duties under Section 19

Ensure a safe workplace, display policy and ICC details, organize training, assist ICC, and treat sexual harassment as misconduct.

22. External Complaint Escalation

In the absence of an ICC or in case the complaint is against the Employer, the aggrieved woman may file the complaint directly with the Local Complaints Committee (LCC) constituted by the District Officer.

Annexure A – ICC Contact Details

| S. No. | ICC Designation | Name | Email Id |
|--------|--------------------|----------------|---|
| 1 | Chairperson | Jyoti Bisht | jyoti.negi@eaplworld.com |
| 2 | Member | Tilak Raj | tilak.raj@eaplworld.com |
| 3 | Member | Megha Sinha | megha.sinha@eaplworld.com |
| 4 | Member | Garvita Kumar | garvita.kumar@eaplworld.com |
| 5 | Member | Raman Kaushik | raman.kaushik@eaplworld.com |
| 6 | Independent Member | Pratibha Singh | Pratibha93.20@gmail.com |
| 7 | Nodal Officer | Anand Singh | anand.singh@eaplworld.com |

*An exclusive email id being (mailto: icc.posh@eaplworld.com) is created with access only to the ICC.

This id is to keep a track of all the records even if the ICC members are not a part of the organization.