

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

POSH POLICY

SARA SAE PRIVATE LIMITED

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INTRODUCTION

Earlier men used to be the sole breadwinners of the family. Globalization has brought a radical change in the status of women worldwide. However, with the larger influx of women in the mainstream workforce of India, sexual harassment at workplace has assumed greater dimensions. Workplace sexual harassment is a form of gender discrimination which violates a woman's fundamental *right to equality and right to live life with dignity*, guaranteed under Articles 14, 15 and 21 of the Constitution of India. Workplace sexual harassment not only creates an insecure and hostile working environment for women but also impedes their ability to deliver in today's competing world. Apart from interfering with their performance at work, it also adversely affects their social and economic growth and puts them through physical and emotional suffering.

India's first legislation specifically addressing the issue of workplace sexual harassment; the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**POSH Act**") was enacted by the Ministry of Women and Child Development, India in 2013. The Government also subsequently notified the rules under the POSH Act titled the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("**POSH Rules**").

The POSH Act has been enacted with the objective of preventing and protecting women against workplace sexual harassment and to ensure effective redressal of complaints of sexual harassment. While the statute aims at providing every woman (irrespective of her age or employment status) a safe, secure, and dignified working environment, free from all forms of harassment, proper

implementation of the provisions of the statute remains a challenge. Many are also not fully aware of the criminal consequences of sexual harassment. Lewd jokes, inappropriate comments etc. are dismissed as normal, with women being hesitant to initiate actions due to apprehension of being disbelieved or ridiculed, which underpins the need for greater awareness and greater enforcement. Any tool would be useless if the person operating it is unaware of the way it is to be used.

Therefore, the objective of this Policy is to serve as a ready reckoner to all the stakeholders and re-educate them on the law relating to workplace sexual harassment. This Policy focusses mainly on the POSH Act and other relevant laws in India pertaining to workplace sexual harassment. Further, the objective of this Policy is to create more awareness on the issue and simultaneously equip employers in providing women a safe and secure working environment.

APPLICABILITY AND SCOPE

GEOGRAPHICAL APPLICABILITY: The provision of POSH Policy is applicable on all the workplaces and on all the employees of the Company, whether they are whether permanent, temporary, ad-hoc, consultants, interns or contract workers irrespective of gender.

ORGANIZATIONAL APPLICABILITY: Since the Company has the workplace(s), having 10 or more employees so, it is mandated under POSH Act to constitute Internal Complaints Committee (ICC).

LOCATIONAL APPLICABILITY: The Act is applicable only in a workplace scenario. Therefore, the cases of sexual harassment happening outside the ambit of workplace, in the private life of individuals, do not come under the purview of the Act. Accordingly, it may be noted that for a woman is protected under the POSH Act, from sexual harassment at the 'workplace' as defined under the POSH.

APPLICABILITY TO PERSONS: The Act provides coverage to all women regardless of their age and work status.

COVERED BODIES: Registered Office, Corporate Office, Head office, Branch offices, Factories, Administrative units of Sara Sae Private Limited including visit to client place or any other place during the course of employment and all other activities performed at any other location away from the location of office or programs or any event/ program organized for social or business events as defined as Workplace.

OBJECTIVES OF POSH POLICY

The fundamental objectives of the POSH Act 2013 (Prevention of Sexual Harassment) are centered around creating a safe and harassment-free work environment. The act aims to achieve the following objectives:

- **Prevention of sexual harassment:** The primary objective of the POSH Act is to prevent incidents of sexual harassment in the workplace. It seeks to create

awareness among employees, employers, and organizations about what constitutes sexual harassment and the steps to be taken for its prevention.

- **Prohibition of sexual harassment:** To ensure increased participation of women in socio-economic development of the country, sexual harassment of women at workplace is prohibited. The Company has adopted Zero Tolerance Policy in matters related to sexual harassment.
- **Redressal of sexual harassment:** The Act mandates organizations to establish an Internal Complaints Committee (ICC) to handle and redress complaints of sexual harassment. It also allows the aggrieved to seek redressal from the court or tribunal through appeal.
- **Protection of employees:** The act aims to protect employees, especially women, from sexual harassment in the workplace. It provides them with a legal framework to seek redressal and act against perpetrators of sexual harassment.
- **Promoting gender equality:** The POSH Act recognizes that sexual harassment is a form of gender-based discrimination and aims to promote gender equality in the workplace.
- **Legal compliance:** The POSH Act sets out the legal obligations for employers to provide a safe and harassment-free workplace. It emphasizes the importance of compliance with the POSH Act's provisions and establishes penalties for non-compliance.
- **Awareness and sensitization:** Another objective of the Act is to promote awareness and sensitization about sexual harassment. It encourages

organizations to conduct training programs and awareness campaigns to educate employees about their rights, the complaint redressal mechanism, and preventive measures.



DEFINITIONS

1) Workplace: A workplace includes all places visited by an employee arising out of or during the course of employment. It also includes extended workplace while travelling such as transportation provided by the employer, place of stay and work, venue of work-related events, work-related venue of entertainment or leisure or work from home.

The workplace includes:

- a. Registered Office, Corporate Office, Head office, Branch offices of Sara Sae Private Limited

- b. All offices or other premises where Sara Sae Private Limited have the reach and programs.
- c. To visit a client's place or any other place during the course of employment.
- d. All Company related activities performed at any other location away from the location of office or programs or any event/ program organized for social or business events.
- e. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey including Employee Staycations and stays in other places.
- f. Any social program or other events related to Company's work where any conduct or comments may have an adverse impact on the workplace or workplace relations.
- g. Workplace will also include 'Working from Home'. There is zero-tolerance for any form of online Sexual Harassment on Video Call/ virtual platforms.

2) Sexual Harassment: Sexual harassment is defined under 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' (read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (collectively, "the Act") and this Policy, as any conduct that is unwelcome and sexual in nature, whether direct or indirect, including -

- a) Physical contact and advances
- b) A demand or request for sexual favors
- c) Making sexually colored remarks
- d) Circulating obscene content by email, SMS, or MMS
- e) Showing pornography, or
- f) Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.
- g) When any such act or acts are committed in circumstances where such conduct is humiliating and is likely to constitute a health and safety problem, it will amount to sexual harassment that violates this Policy

Sexual harassment may occur as a single incident or a series of incidents. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment may 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 work or creating an intimidating or offensive or hostile work environment.

- e) Humiliating treatment is likely to affect the health or safety of the employee.

3) Complainant: The Complainant refers to the individual filing the complaint. They may also be referred to as the 'survivor'. This includes anyone employed or associated with the Organization in a full-time/part-time capacity or a permanent or temporary employee also or such other person on behalf of survivor.

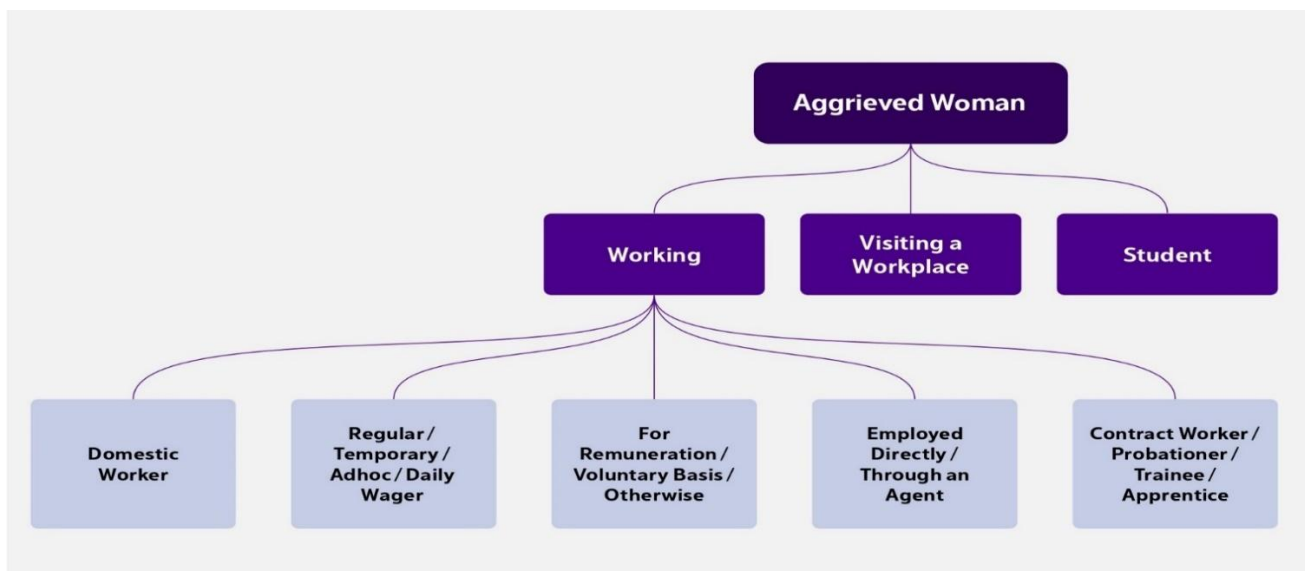
4) Respondent: The Respondent refers to the individual against whose actions the complaint has been filed. Thus, referring to anyone employed or associated with the Organization in a full-time/part-time capacity as a permanent or temporary employee, contractor, consultant, vendor, intern, or a volunteer. In a situation where the allegation of sexual harassment is made against a third party, the Organization will work with the direct employer of the alleged offender to decide how the matter should be dealt with.

5) Witness: Individuals who have been called upon by either the Complainant, Respondent or Committee to report their statements as part of the inquiry proceedings. Such a witness may or may not be an employee of the Organization but can provide valuable evidence with regard to the allegations as are set out by the Complainant/ Respondent.

6) Complaints Committee: The POSH Act requires an employer to set up an 'Internal Committee' ("IC") at each office or branch, of an organization employing 10 or more employees, to hear and redress grievances pertaining to sexual harassment. Failure to constitute the IC has led to imposition of a fine

under the POSH Act. The Composition of ICC shall be as constituted by the Board.

7) Aggrieved Woman: As per the POSH Act, an 'aggrieved woman' in relation to a workplace, is woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment. Given that the definition does not necessitate the woman to be an employee, even a customer/client who may be sexually harassed at a workplace can claim protection under the POSH Act.



8) Employee: The definition of an 'employee' under the POSH Policy is fairly wide to cover all types of employees or persons associated with Sara Sae Private Limited.

- Permanent or Temporary employee
- Contractor
- Client/ Vendor Representatives

- Consultant, Partner or Agent
- Co-workers
- Intern or Trainee
- Volunteers with/ without Remuneration
- Ad hoc employees
- Beneficiaries
- Other Visitor
- Security Staff
- Daily Wage Employees
- House Keeping staff

The Board may define the “Employer” for workplace located at different location.

9) Presiding Officer: Presiding Officer is the chairperson of the Internal Committee and should mandatorily be a female employee holding a senior position. This makes it easier for woman to approach the IC with complaints.

INTERNAL COMPLAINTS COMMITTEE (“ICC”)

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act and Rules, 2013 (“Law”) is a crucial piece of legislation in India aimed at addressing and preventing sexual harassment of women in the workplace. Section 4(1) of the Act mandates that every employer must constitute an Internal Complaints Committee (ICC). Every company should have a safe and harassment-free workplace. In the case of the complaint against POSH, the ICC is solely responsible for investigating without being biased. The Organization may have multiple ICC constituted to oversee specific administrative units or offices.

CRITERIA FOR THE COMPOSITION OF ICC

The Law outlines specific criteria for ICC composition, which include:

- A Presiding Officer, who is a woman, employed at a senior level within the organization.
- Not less than two Members from among employees, preferably those committed to the cause of women, with experience in social work or legal knowledge.
- One member (called as External Member), who should be a professional (such as Company Secretary, Advocate, etc) and having knowledge of the POSH Provisions.

MINIMUM AND MAXIMUM NUMBER OF ICC MEMBERS

While the Law stipulates a minimum of four ICC members, it does not set a maximum limit. Organizations have flexibility in determining the number of members they need to effectively address sexual harassment concerns.

CONSIDERATIONS FOR IC COMPOSITION

To ensure that the IC provides diverse perspectives and representation, organizations may consider including members from various backgrounds and roles, such as:

1. A senior employee as the presiding officer, respected by both employees and the employer.
2. Employees who are trusted and approachable, making them more likely to receive complaints.
3. Employees with expertise or a passion for addressing sexual harassment.
4. Representation from different branches and major verticals of the organization.
5. Members who can dedicate more time to co-ordinate meetings and providing administrative support.
6. An External member with the requisite knowledge and experience in the field. It is preferred to appoint a Professional Company Secretary or advocate who has the knowledge of POSH to be the external member.

PERIODIC RECONSTITUTION OF ICC (EVERY THREE YEARS)

Section 4 (3) of the Law states that every member of the Internal Complaints Committee shall not hold office for more than three years from the date of their appointment. This means that after completion of three years from each ICC member's appointment, the Organization is required to appoint a new ICC member in their place.

COMPLAINTS AGAINST ICC MEMBERS

Section 4(5) of the Law stipulates a few scenarios in which an ICC member may be removed from the Committee. They are reproduced below:

- a. contravenes the provisions of section 16 (that deals with confidentiality) or
- b. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him or
- c. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him or
- d. has so abused his position as to render his continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be.

The names and contact details of the members of the Internal Complaints Committee be displayed on the notice board of Sara Sae Private Limited.

DUTIES, OBLIGATIONS & MAJOR FUNCTIONS OF THE INTERNAL COMPLAINTS COMMITTEE INCLUDE

1. To create awareness on the rights of employees against sexual harassment.
2. To prevent sexual harassment at the workplace & Implementation of the Anti-Sexual Harassment Policy at the workplace.
3. To strive to resolve complaints by the aggrieved complainant and to apply a survivor-centered approach to all investigations.
5. To conduct inquiry on any complaint/s received from employees and for ensuring time bound treatment of such complaints (Initiation of inquiry at the earliest).
6. To provide procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps in accordance with applicable law.
7. Final decisions and recommendations regarding the complaint will rest with the Internal Complaints Committee and submit the inquiry report along with recommendations to the employer (designated person as nominated by the Company).
9. Submit an Annual Report including details like the number of cases filed at their disposal, etc.

10. Any other obligations that may be prescribed under applicable law, but not limited to-

- Bring about awareness about what comprises 'sexual harassment' at the workplace by way of workshops, posters, documents, notices, seminars, etc.
- Publicize the policy framework effectively.
- Provide the victims with a safe and accessible mechanism of complaint.
- Redress the complaints in a judicious manner.
- Provide interim relief to the complainant.
- Provide an opportunity for conciliation wherever possible.
- Strictly adhere to the principles of natural justice at all stages of the proceedings. Whenever required, forward the complaint to the police.
- Maintain confidentiality regarding the proceedings taking place before the Committee

PROCEEDINGS OF THE INTERNAL COMMITTEE

1. The Internal Committee is intended to be an independent, objective, and unbiased fact-finding body established to investigate any complaints of sexual harassment in a fair, reasonable and time-bound manner in a neutral environment. The Internal Committee will conduct the inquiry in accordance with principles of natural justice.
2. For the purpose of making an inquiry the Internal Committee will have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on oath;
 - (d) issuing commissions for the examination of witnesses or documents;
 - (e) such other matters as may be prescribed.
3. The Internal Committee will give every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective cases and to ensure that the Complainant and the Respondent have full opportunity to present their claims, witnesses and evidence which may establish or substantiate their claims.
4. Both the Complainant and the Respondent will have the right to submit supporting evidence and will have the right to bring their respective witnesses, if any, to be examined by the Internal Committee.
5. All the evidence, facts, and documents submitted to ICC shall be in writing and in a legible format only, no oral evidence shall be acceptable.
6. If the Complainant or the Respondent fails, without sufficient cause, to be present before the Internal Complaints Committee for three (3) consecutive hearings, the Internal Complaints Committee will give a notice of fifteen (15) days to the concerned party before terminating the inquiry proceedings or giving an ex-parte decision on the complaint.
7. The Complainant, the Respondent, or any other person that the Internal Complaints Committee meets with, interacts with, or has a teleconference or

video conference with, for the purpose of inquiry into any complaint of sexual harassment will be bound by strict confidentiality and each such party will not be permitted to discuss the Internal Complaints Committee proceedings with any third person.

8. All the proceedings of the ICC shall be recorded and each and every piece of evidence shall be thoroughly examined.

EMPLOYER'S DUTIES AND OBLIGATIONS

'Prevention is Better than Cure'

In addition to requiring an employer to set up an ICC and ensure redressal of grievances of workplace harassment in a time bound manner, the POSH Act casts certain other obligations upon an employer which includes:

1. Promoting a gender sensitive workplace and removing the underlying factors that contribute towards creating a hostile working environment against women
2. Provide a safe working environment.
3. Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace.

4. Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the ICC.
5. Declare the names and contact details of all members of the ICC.
6. Organize workshops and awareness programs at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programs for members of the ICC.
7. Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
8. Aid the aggrieved woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
9. Treat sexual harassment as a misconduct under the service rules and initiate action for misconduct.
10. Monitor the timely submission of reports by the ICC.

EMPLOYEE'S RIGHTS AND OBLIGATIONS

- 1) Become fully informed about the contents of this policy and attend workshop(s) or training(s) as and when required.

- 2) In some states, training will be required under the law. Cooperate with any measures introduced to promote equal opportunities at the workplace.
- 3) Respect the sensitivities of others; never take discriminatory actions or decisions which are contrary to the letter and spirit of this policy.
- 4) Offer information and support to any person who the employee suspects are being harassed.
- 5) Maintain confidentiality regarding any aspect of an inquiry to which the employee may be a party.
- 6) Be aware that the employee retains the right to file a complaint of unlawful discrimination or sexual harassment under the law of the land with local authorities including law enforcement authorities.
- 7) If an employee chooses to file such a complaint with police authorities, the ICC will provide all reasonable assistance in this regard. The ICC will ensure that their actions are informed by a survivor-centered approach, prioritizing the rights, needs and safety of the complainant / survivor. The ICC will be aware of and will follow local customs with respect to people's interactions at the workplace.
- 8) Continuous sensitization of employees relating to issues on prevention of harassment.

ACTS OF THIRD PARTY

It is important to note that, in an event when a third party is engaged in the incident of Sexual Harassment as the Respondent, the law mandates that the matter be addressed appropriately by the employer.

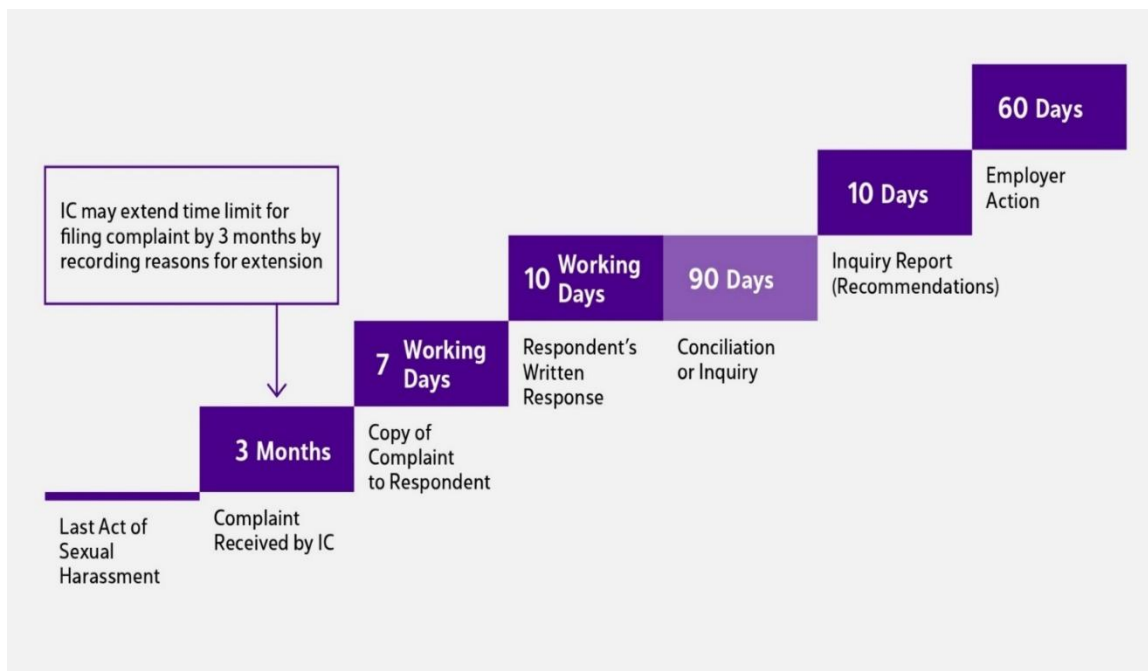
The investigation authority may change when a third party is involved based on the circumstances. If the Respondent is from a third party, the ICC reaches out to the Respondent's organization ICC/Management who will take the case forward. Where there is no action or the ICC panel does not investigate, the complainant has to file the said complaint with the Local Complaint Committee and/or refer the matter to the police as per the situation. The Internal Complaints Committee should provide reasonable assistance to the complainant to seek police assistance or file the complaint with the Local Complaints Committee.

In case the complainant is a Third-party and the Respondent is an employee of our Organization, our ICC is mandated to take up the complaint and proceed further as per due process.

The law has created the Internal Complaints Committee as a grievance redressal mechanism for any woman in connection with the workplace experiencing sexual harassment. According to the law, a complainant can be an employee, direct or indirect contract employee, a volunteer, an intern, an apprentice, a daily wage employee or even a visitor to the premises in relation to work who can raise a complaint of sexual harassment if challenged with one.

COMPLAINT MECHANISM

An aggrieved woman who intends to file a complaint is required to submit six copies of the written complaint, along with supporting documents and names and addresses of the witnesses to the IC or LC, within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. Prompt reporting of an act of sexual harassment is probably as important as swift action to be taken by the authorities on receiving a complaint. Infact the more prompt the complaint is, the more authentic can it be treated. In instances where sufficient cause is demonstrated by the complainant for the delay in filing the complaint, the IC/LC may extend the timeline for filing the complaint, for reasons to be recorded in writing. The law also makes provisions for friends, relatives, co-workers, psychologist & psychiatrists, etc. to file the complaint in situations where the aggrieved woman is unable to make the complaint on account of physical incapacity, mental incapacity or death.



A Well Drafted Complaint

- The complaint should be addressed to the ICC members and not the employer/HR representative.
- The complaint should be concise, i.e. it should be written in simple language which can be understood easily. Complaints that are well written and presented properly have greater credibility.
- Details of exact incident, date and time, witness etc. to be included.
- Circumstances preceding and following the incident to be recorded.
- Whether the complainant asked the respondent to desist from the unwelcome act(s).
- Append as many documents as possible in whatever format i.e. relevant e-mails, screenshots of SMS's/WhatsApp messages, call details, photographs, recordings etc.
- Details of the respondent including name, designation, reporting structure between complainant and respondent if any (whether subordinate, colleague or superior).
- Do not state any fact that is false or incorrect.

- The relief that is sought from the employer.

The Format for the Compliant form required to be filed with ICC is being annexed as Annexure-A



RESOLUTION BY CONCILIATION

Before initiating action on a complaint, the ICC on the request of the aggrieved woman, can make efforts to settle the matter between the parties through conciliation by bringing about an amicable settlement.

Conciliation is basically an informal method of resolving complaints before the complaint escalates into a fully blown formal inquiry. Thus, after a complaint of sexual harassment has been lodged, the aggrieved woman may request the ICC to resolve the matter by conciliating between the parties before commencement

of the inquiry proceedings, although monetary settlement should not be made as a basis of conciliation.

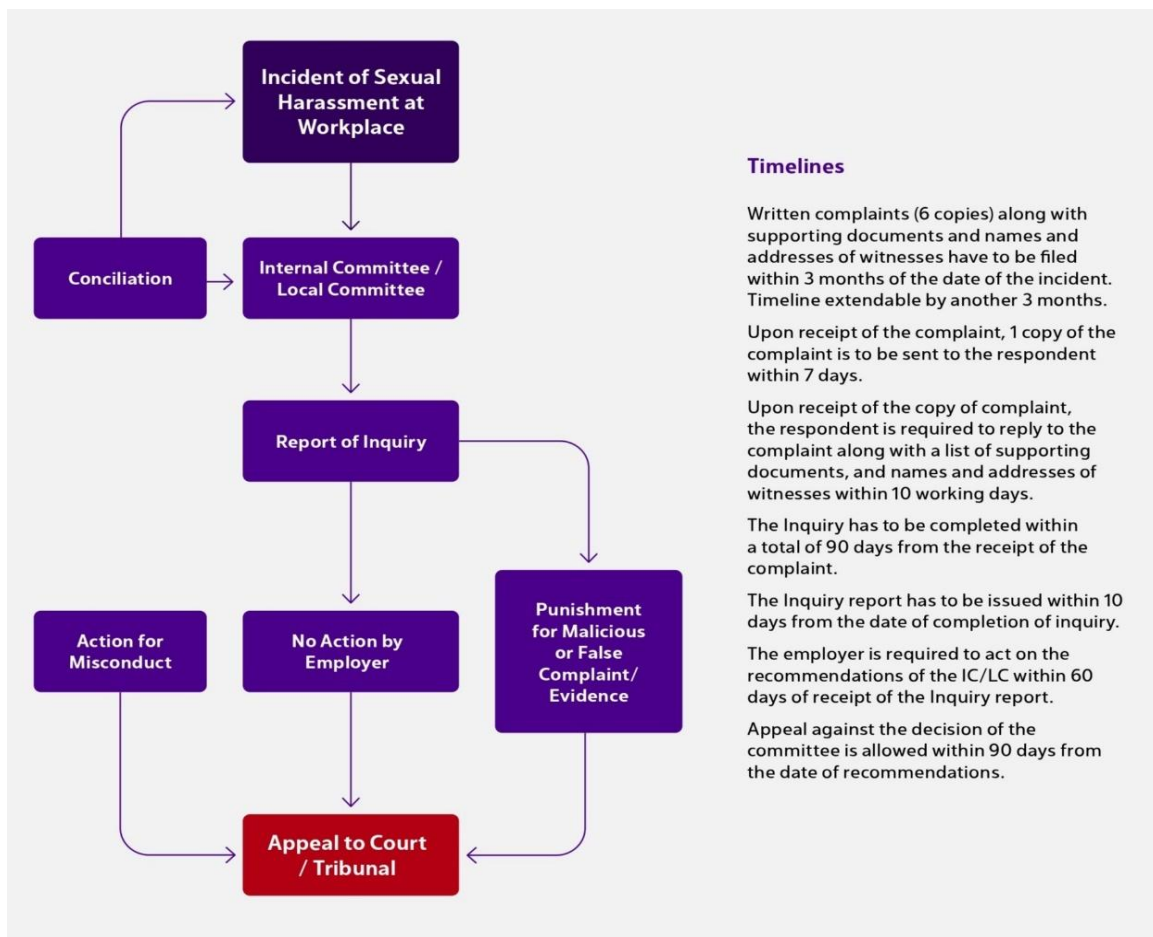
Once the settlement has been arrived at, the ICC or the LCC, as the case maybe shall record the settlement arrived at and thereafter provide copies of the settlement to the aggrieved woman as well as the respondent.

Once a settlement has been arrived at, the ICC shall not proceed with an inquiry under the POSH Act.



REDRESSAL PROCESS / INQUIRY

Please refer to the flow chart below which provides an overview of the process to be followed by the aggrieved employee to make the complaint and by the IC/LC to inquire into the complaint.



Interim Relief

As per the Internal Complaints Committee Policy, during the period of pendency of the inquiry, if a written request is made by the complainant, the Internal Committee may recommend to the employer:

- To transfer either the aggrieved or the respondent to some other workplace.
- To grant leave to the aggrieved individual for a period of a maximum of 3 months, but this should be in addition to the leave she would be otherwise entitled to.
- To accord any other relief to the aggrieved as may be found to be appropriate.
- To restrain the respondent from reporting on the performance of the complainant.

PUNISHMENT AND COMPENSATION

The POSH Act prescribes the following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment:

- i. Punishment prescribed under the service rules of the organization or
- ii. Disciplinary action including:
 - ✓ Termination of services of the employee found guilty of the offense.

- ✓ Get a “below expectations” performance review.
- ✓ Withholding of Promotion &/ freezing for a year.
- ✓ Withholding of pay rise or increments.
- ✓ Undergoing a counselling session.
- ✓ A written warning to the Respondent and a copy of it maintained in the employee’s file.
- ✓ Change of work assignment/transfer for either the Respondent or the Complainant.
- ✓ Written apology to the Complainant.
- ✓ Reprimand or Censure.
- ✓ Carrying out community service.
- ✓ Impose a fine in accordance with the Act.

We apply these disciplinary actions uniformly and commensurate to the gravity of the proved misconduct.

COMPENSATION

Compensation payable to the aggrieved woman from the wages of the respondent. The POSH Act also envisages payment of compensation to the aggrieved woman. The compensation payable shall be determined based on:

- i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;

- ii. the loss in career opportunity due to the incident of sexual harassment;
- iii. medical expenses incurred by the victim for physical/ psychiatric treatment;
- iv. the income and status of the alleged perpetrator; and
- v. feasibility of such payment in lump sum or in installments.

In the event that the respondent fails to pay the aforesaid sum, ICC may forward the order for recovery of the sum as an arrears of land revenue to the concerned District Officer.

CONSEQUENCES OF NON-COMPLIANCE WITH THE PROVISIONS UNDER THE POSH ACT

As the POSH Act is legally binding on all organizations, not abiding with the provisions leads to far-reaching consequences. The organization/ employer is bound by certain mandatory obligations and one of them is constituting an Internal Committee. In case of failure to do so, the Act imposes a penalty of 50,000 rupees. If in case there is a repetition of the same offence it would attract a double penalty, that is, 100,000 rupees.

FRIVOLOUS COMPLAINTS

In order to ensure that the protections envisaged under the POSH Act are not misused, provisions for action against “false or malicious” complainants have been included in the statute.

As per the POSH Act, if the ICC/LC concludes that the allegation made by the complainant is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry, disciplinary action in accordance with the service rules of the organization can be taken against such complainant.

Where the organization does not have service rules, the statute provides that disciplinary action such as written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service may be taken.

The POSH Act further clarifies that the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious.

The quantum of the punishment shall be based on the evidence received and upon the best judgment of the Internal Committee.

False Complaints Under POSH Act, 2013



CONFIDENTIALITY

The Organization understands that it is difficult to come forward with a complaint of sexual harassment. Therefore, to protect the interests of the Complainant, Respondent, and Witnesses, confidentiality will be maintained throughout the inquiry process and even thereafter, to the extent practicable and appropriate under the circumstances.

The identities of the Complainant, the Respondent, and Witnesses involved with the process shall be kept confidential. Anyone (Witness, Committee Members, Respondent or Complainant) who breaches this confidentiality clause is liable to be penalized with consequences ranging from a fine of INR 5,000 rupees to additional disciplinary action; based entirely on the facts and circumstances of each case.

The POSH Act further prohibits dissemination of the contents of the complaint, the identity and addresses of the complainant, respondent, witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC/LC and the action taken to the public, press and media in any manner.

That said, the POSH Act allows dissemination of information pertaining to the justice that has been secured to any victim of sexual harassment, without disclosing the name, address, identity or any other particulars which could result in the identification of the complainant or the witnesses.

Breach of the obligation to maintain confidentiality by a person entrusted with the duty to handle or deal with the complaint or conduct the inquiry, or make

recommendations or take actions under the statute, is punishable in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, a fine of INR 5,000.

The POSH Act specifically stipulates that information pertaining to workplace sexual harassment shall not be subject to the provisions of the Right to Information Act, 2005.



PROTECTION OF COMPLAINANT AND WITNESSES

Sara Sae Private Limited is committed to ensuring that no employee or witness who brings forward a harassment complaint or testifies to it is subject to any form of retaliation.

Any employee who retaliates against an employee who has reported in good faith, a sexual harassment claim, will be subject to disciplinary action, which may include dismissal. Any reprisal will be considered as a separate case of misconduct. Anyone who abuses this procedure (for example, by maliciously

putting an allegation knowing it to be untrue) would also be subject to disciplinary action, including dismissal from service.

In the event, where the Complainant or any Witness of the Complainant is being supervised by the Respondent or any of its Witnesses, then such reporting assignments will be changed to the extent possible by the Company. The Company will not victimize or discriminate against a Complainant or Witnesses while dealing with complaints of sexual harassment.

Further, as per the POSH Act, the Complainant and/or the Respondent can file an Appeal before the Court or Tribunal against the recommendations of the Internal Committee within a period of 90 days.

“ANNEXURE A”**Sexual Harassment Reporting Compliant Form****Sexual Harassment Complaint Form****Sara Sae Private Limited**

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Internal Complaints Committee (ICC). You will not be retaliated against for filing a complaint. Questions regarding the completion or submission of this form can be directed to the ICC or a trusted staff member with whom you feel comfortable.

If you are more comfortable reporting verbally or in another manner, the person to whom you report the sexual harassment should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

Employee Name: _____

Date: _____

Job Title: _____

Department: _____

Whether a third party/outsider of the organization : _____

Supervisor: _____

Name(s) of Accused: _____

Job Title(s) of Accused: _____

Describe your relationship to Accused:

Name of witnesses (if any): _____

Date/Time of incident: _____

Location of incident: _____

Describe the incident:

Have there been similar past incidents involving the accused?

_____ certify that the information I have given on this report is true.

Signature

Date:

Time:

“ANNEXURE-B”

DO’S AND DON’TS in “SARA SAE PRIVATE LIMITED” with regard to POSH Act, 2013

DO’S FOR EMPLOYEES

- ✓ Be aware of the POSH policy and procedure.
- ✓ Report any incidents of harassment to the ICC or your immediate supervisor
- ✓ Cooperate with the ICC during the investigation
- ✓ Maintain confidentiality during the investigation
- ✓ Do not retaliate against the complainant or witness
- ✓ Attend regular POSH compliance training and workshops
- ✓ Act towards other colleagues/Employees professionally and respectfully, and in a cordial manner.

DON’TS FOR EMPLOYEES

Refrain from:

- ✗ Behavior that may offend or hurt people at your workplace.
- ✗ Behavior that causes harassment to any women employee at your workplace.
- ✗ Behavior that may be interpreted by another as sexual harassment.
- ✗ Behavior that may support sexual harassment in any manner.
- ✗ Disbelieving a woman when she shares about harassment. Remember that sexual harassment is ‘Unwelcome Behavior’.
- ✗ Filing or supporting any malicious or false complaint.
- ✗ Producing any false evidence of sexual harassment.